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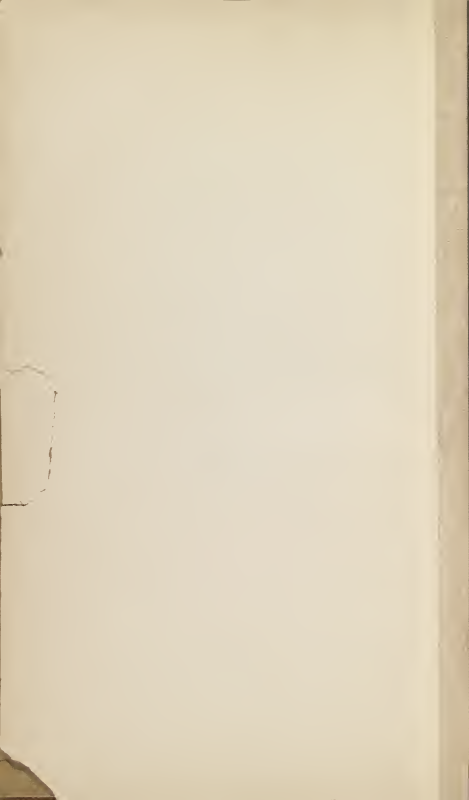
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DOCUMENT NO. 1.

BOARD OF ALDERMEN,

MAY 14, 1838.

MAYOR'S OFFICE, MAY 14, 1838.

Gentlemen of the Common Council:

ON entering again upon the duties of Chief Magistrate of this City, I acknowledge, with deep sensibility, the honor conferred upon me by a re-election. And I may be permitted to say, that next to the consciousness of having constantly, firmly and impartially exerted my best abilities, to conform, during the past year, to the responsibilities of so high a trust, no circumstance could be more gratifying to my feelings than this renewed testimony of the confidence of my fellow citizens.

When, on a previous occasion, I had the honor of addressing our Municipal Legislature, a general gloom pervaded the

community—commerce was paralyzed—fear and distrust had taken the place of confidence—the currency of the country had become deranged—the banks had suspended payments of specie—the value of property was rendered uncertain—bankruptcy was spreading in all directions—and general ruin seemed inevitable.

After a long series of sufferings and distresses, till lately unknown in this country, we are allowed to entertain the hope that the business of former years will ultimately return; that cheerfulness will again mantle the cheek of industry; that capital and enterprise will once more put forth their mighty energies; and that the gigantic efforts of our resolute and persevering people will restore this metropolis to her high destiny among the cities of our land.

The multiplied and disastrous disappointments, difficulties and reverses, consequent upon the stagnation of trade, and the absence of demand for labor and industry, which at length reached every portion of our population, and impoverished the Treasury of the Union, finally extended their malign influence to the finances of our city. This was a natural consequence. Confiding in the stability of our government, the preservation of the accustomed facilities of exchange among our several states and with Europe, and in the sure successes of genius, capital and enterprise, our citizens pressed forward, in good faith, that the price of labor and the value of property would be sustained. When, at length, however, a variety of circumstances checked these reasonable expectations, the shock was severe, and, in many cases, overwhelming. And extensive improvements, on which large sums were becoming due, were either abandoned or only completed to remain unproductive and useless.

The condition, liabilities and probable necessities of our Treasury will be fully understood by reference to the following

Statement.

CITY DEBT, 1ST JANUARY, 1838.

The funded debt amounted to	\$408,800 00
Due the Water Loan	977,226 59
Building Stock	499,200 00
Due Mechanics' Bank, on bond	100,000 00
Due Bank of the State of New York	500,000 00
Balance against the Treasury Accounts	49,456 08
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	\$2,534,682 67

Deduct therefrom the amount to the credit of the Commissioners of the Sinking Fund	\$71,525 51
Fire Loan Stock, held by the Com- missioners of the Sinking Fund	138,987 09
Building Stock, held by the Commis- sioners of the Sinking Fund	15,000 00
Balance in bank, to credit of Trea- sury account	65,380 46
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Total \$290,893 06

\$2,243,789 61

Debt 31st December, 1836	1,282,103 58
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Increase of debt	\$961,686 03
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CITY DEBT, 1ST MAY, 1838.

Funded Debt of 1820 and 1829	\$408,800 00
Building Loan	500,000 00
Due City Aqueduct Account	812,386 40
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	\$1,721,186 40

FUNDS AND SECURITIES.

Monies due to the City, for awards paid for opening and widening streets, which if not paid will be advertised for sale, 1st of August next	\$300,842 00
Loan on Water Stock	10,357 00
Fire Loan Stock, held by the Com- missioners of the Sinking Fund	138,587 00
Water Stock, held by the Commis- sioners of the Sinking Fund ...	50,000 00
Liens for filling sunken lots	14,000 00
In Bank of State of New York, to credit of Treasury Account	215,960 33
To credit of Commissioners of Sink- ing Fund	31,752 05=761,498 38
	<hr/>
Leaving an excess of debt, over the present cash means of the city, of	\$959,688 02
And is \$112,358 98 less than it was on the 1st of May, 1837.	

52951

It is a matter of congratulation, that, although it has been a year of unprecedented pecuniary embarrassments, the city bonds have all been liquidated, the debt due the City Aqueduct reduced, the Treasury Department in a better situation than it was last year at this time, and that our credit at home and abroad has been preserved unimpaired.

THE "FIRE LOAN" is not taken into consideration, as the receipts of interest on bonds and mortgages will more than pay the interest on the stock, and leave a surplus in favor of the city.

THE "WATER LOAN."

Amount of Stock issued is	\$200,000 00
Amount paid previous to 1st of	
January, 1838	\$469,808 41
Amount paid since, to 1st May	382,177 79
Amount paid for water pipes and	
laying them down, authorized	
by law of the Legislature to	
be charged to this account,	
having been paid out of the	
city tax	286,228 73—\$1,138,214 93
Due on stock authorized to be sold	158,793 68
Due on stock loaned	12,343 00

There is a balance of \$500,000 of this stock, authorized by the law of May, 1834, still to be issued, and by the law of April, 1838, provision is made for a further loan of three millions of dollars.

As this work is rapidly progressing, it is supposed that two millions of dollars will be required by the Water Commissioners for the balance of the year 1838.

THE "PUBLIC BUILDING LOAN."

Amount of Stock issued \$500,000 00

Amount paid on 1st of January

last, for building Halls of Jus-

tice and House of Detention,

Lumber Dock and Lunatic Asy-

lum \$379,156 62

Amount paid since to 1st May .. 44,822 62=\$423,979 24

Leaving a balance of 76,020 76

Which will be absorbed in finishing the building of the Lunatic Asylum, and which is much wanted for that class of patients in the Hospital.

THE "FIRE INDEMNITY LOAN."—The Legislature have authorized a loan of \$600,000, to be applied to the payment of any judgments obtained, and that may be obtained against the City by individuals, for damages sustained by the blowing up of buildings during the great fire in 1835.

A loan of \$200,000 has thereupon been approved by the Common Council, and is already advertised by the Comptroller to meet the payments now due—and an application has been directed to be made to the Legislature for raising by tax \$25,000 annually, to create a Sinking Fund for the final redemption of this debt.

The special payments already authorized to be made from the Comptroller's Department are—

For Public Schools.....	\$ 85,500
For awards for opening Streets, which have been confirmed—the half of which will not be collected	190,000
The amount due City Aqueduct Account, which the Water Commissioners will require as soon as it can conveniently be paid	812,000
For land taken for extension of Centre Market, to be paid from Sinking Fund	31,000
And for amount which will be due Contractors in August, in consequence of postponing the advertising the lands for assessments to that date	170,000

It was supposed that the amount paid from the City Treasury, for opening and widening streets, would have been realized *before the 1st of August next*, which, together with ordinary receipts, would have proved sufficient to meet the current expenses of the City Government; but as the *advertisement* for the sale of said property, has, on the petition of the persons interested, been postponed until that day, it is not improbable that there will be an early application from the Comptroller for authority to make loans, in anticipation of the *taxes*, to meet the current expenses.

Loans are generally asked for in the months of October, November and December.

The Comptroller will present to you, as soon as the necessary maps and papers can be prepared, the state of the public domain, with the amount of rents receivable therefrom, and I respectfully ask for him your cordial aid and co-operation in his laudable endeavours to add to those sources of income.

He will also present to you, as soon as he can procure the proper data, a plan for increasing the revenue to be derived from the public wharves and piers. This portion of the public property is now rented to the 1st of May, 1839, and pays an exceedingly small interest on the amount expended, and I am of the opinion that a plan can and will be presented which will greatly add to the revenue arising from this property, and without placing any unreasonable burthens on our commercial interests.

In April, 1835, the electors, on the submission of the matter to their decision, did determine and declare that an ample supply of pure and wholesome water should be brought to this city from Croton River, by an aqueduct of masonry. The estimate of the Commissioners, on which the Common Council formed their opinion in favor of the project, and founded their application to the Legislature, stated that the cost, including the expense of laying water pipes, to distribute the water throughout the city, would amount to \$5,512,000, and the money was to be obtained for four per cent. interest, and for less, for 20 to 25 years. By the report made by the same Commissioners on the 2d January, 1838, it is admitted that \$8,464,033 will be required to complete the whole project, including three reservoirs, and reducing the cost of the work to the lowest possible sum "*consistent with its durability and permanence.*" In this report and estimate the Commissioners "*abandon*" the idea of crossing the Harlaem River with an aqueduct or high bridge, and also propose to carry the water over the Manhattan Valley by pipes or inverted syphons; and they assert that if the "high bridge" be substituted instead of the syphon at the Harlaem River, and also at Manhattanville, an additional expenditure will

be incurred of \$1,188,792, which would swell the whole cost to \$9,652,825, or say \$10,000,000. Beyond all doubt such an expenditure would far exceed the expectations of all who originally recommended, and who voted for the law authorizing the procedure. But in so great a work, and one so novel in our country, commencing more than forty miles from the City Hall, and passing over private property embracing a great variety of surface and of formation, it cannot be a cause of surprise that occasional disappointment should be experienced. It was doubtless intended by all that this magnificent undertaking, so bold in design, and so difficult of satisfactory completion, should be strong, suitable, ample, durable; and creditable to the character, wealth, prospects, enterprise and liberality of our island city. It is therefore worthy of the wisdom, prudence and vigilance of the people's representatives to inquire,

1st. Whether the "high bridge" across the Harlaem River and the Manhattan Valley shall be "*abandoned.*" This may be resolved into a question of immense moment, affecting and involving the progress, utility, sufficiency and durability of the aqueduct itself; the rights and privileges of all who are or may be interested on the east side of this island, through the entire length of the Harlaem River and even beyond it. Your directions on this point may decide whether that arm of the sea is to continue "*navigable waters,*" and whether a *plentiful supply* of pure water is to be secured to the city *for centuries to come.* It will be borne in mind that the whole *means* are to be obtained on the credit of the city, and to be repaid at a distant day. And it is worthy of serious deliberation whether some other mode, besides the syphon, should not be adopted at once, for crossing at the places mentioned. And be the opinion of

the Common Council what it may, it is highly expedient that the same should be promulgated. Connected with this subject is the *navigation of the Harlaem River*. It is urged that this is a part of the sea, of considerable depth of channel, where the tide regularly ebbs and flows; that whatever may have been the misconduct of individuals, all enactments concerning it prove that it was always considered by the people and by the Legislature *inexpedient* and *unlawful* to obstruct the free passage of any craft upon its waters: that when a few impediments are removed, and operations of moderate expense completed, it will be for ever navigable from the North to the East River. It may be that the day is not distant when such a canal, as this river is, may become important to *the great interests of the whole city*. Settlements will progress, and extensive improvements to the North and East will be undertaken and carried forward: these will render the safe accommodations afforded by this river, and bordering upon it, indispensable.

— Great anxiety is manifested in favor of a more extensive use of wooden pavements. It must be admitted that in many respects they are decidedly preferable to any other. What is their cost, where should they *first* be put down, and who should pay for them, must be ascertained in order to arrive at a safe and consistent result. We have 190 miles of streets and avenues opened and regulated; and 69 miles more ordered *to be* opened. We have made various experiments in pavements: the average expense of each is as follows: new pavement of pebble stones costs 75 cents per square yard; and re-pavements, in which about one-third or one-half new stone is usually required, costs 45 cents per square yard: the wooden pavement in Broadway cost \$2 50 per square yard—some others only \$2 28; the specimen of Macadamizing in Broad-

way was \$1 48 per square yard—and must be often repaired, and at an expense of 88 cents per square yard; and, so far as concerns the busy parts of the city, may be considered as entirely abandoned. The wooden pavement in Broadway was placed there in 1835, and has thus far required but trifling repairs.

It is respectfully suggested that, in consequence of the severe frosts and long rains of our climate, together with the harsh use made of our principal thoroughfares, the material employed in the pebble or round stone pavements, should be of a size much larger than at present selected, and laid with more care than heretofore observed.

The imperfect condition of many of our sidewalks is matter of frequent complaint. It is scarcely to be presumed that the existing laws in this particular are insufficient, were they in all cases promptly and fearlessly enforced. If, however, they be inadequate, I would recommend that the proper remedy be speedily applied.

Your early and most serious examination of our *entire pauper* system, and including the contemplated removal of the Alms House to Blackwell's Island or to Randall's Island, and the establishment of a Workhouse, is daily becoming more necessary. It is believed that by a laborious investigation, and upon consequent new arrangements of the various departments, the enormous expenses may be diminished, or at least prevented from being increased, except in a few absolutely unavoidable cases. If the addition of numbers and cost of maintenance are to go on progressively, as may be learned from the following particulars has thus far been the case, many years will not elapse before they will become a burthen greater than the tax payers will submit to.

By a report from the Commissioners, it appears that the

number of inmates [in the Alms House, including the Hospitals and Long Island Farms, 8th September, 1837, was...	2,548
Number in the Bridewell.....	132
Do. Penitentiary	652
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Making a total of	3,332
Foreigners	2,045
Native Americans	1,287
	<hr/>
	3,332

A similar statement of 10th September, 1836, is added, in order to exhibit the increase, in one year, and to show that eighty-eight per cent. of that increase are foreigners.

Number of inmates in Alms House, &c.	1,833
Do. do. Bridewell	91
Do. do. Penitentiary	403
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	2,327
Of these, there were foreigners.....	1,158
Native Americans	1,169
	<hr/>
	2,327
Total number, 8th September, 1837, as above	3,332
Do. 10th September, 1836, “	2,327
	<hr/>
Increase in one year ..	1,005
Of this number there are foreigners.....	887

In giving these items the Commissioners subjoin the following :

“ This exhibit, it is believed, justifies the demand for increased “ Commutation fees,” and points to the necessity of enforcing all laws touching the introduction of foreign emigrants.

"It is to be noticed, also, that a considerable proportion of the children, classed as natives, are born of *foreign parents*, shortly after arrival here."

On the 8th of May, instant, the number of persons in the Alms House alone, was 1,342; of these 719 were foreigners. In the Hospital also, 135 persons, of whom 105 were foreigners. In the Lunatic Hall 179; of whom 110 were foreigners. Of the 713 children on the Long Island Farms, 273 are of foreign birth. The number in Bridewell 134, and 73 of them foreigners. In the Penitentiary 621 persons, of which number 326 are foreigners; making a total of 3,367; foreigners 1,606. And it must not be forgotten that a large amount of fuel, provisions and money are distributed annually by the Commissioners, to the poor and the needy, who remain at their homes; and were it not for the poverty of the times, we should feel much surprised that the Alms House should contain so many inmates, when we recollect that our humane and benevolent inhabitants also collect and distribute very large amounts within the abodes of poverty and suffering; that there are, moreover, an extensive City Hospital, Lunatic Asylum, a Seaman's Retreat, Sailor's Snug Harbor, and nearly twenty other institutions for the cure of the sick, and for the relief of the poor, the aged, the blind, the deaf, the orphan, the juvenile delinquent, and for the amelioration of suffering and misfortune of every denomination.

It is certain that the *Poor Laws*, regarding this city, require revision. As they now are, New York is likely to become the general rendezvous of beggars, paupers, vagrants and mischievous persons. It is very natural that they should prefer a place where, as they learn, charitable support is most easily obtained;

and that they should practice deceptions upon a community where they suppose they would be most likely to be successful.

It is particularly proper and expedient that the subject be sifted, scrutinized and every possible corrective applied. It is a prevailing opinion that the amount of charges on this head may be, *and at all events, SHOULD BE DIMINISHED.*

It is my pleasing duty to put on record, the fact that, a few days since, the corner stone of a very extensive and commodious building was laid near Manhattanville, devoted exclusively and "*forever*" to the protection, care, education and support of all children deprived of both father and mother, without regard to the birth place or religion of their parents. The sympathies of philanthropy never embraced objects more unexceptionably worthy of their generous efforts. This noble charity was founded and endowed by the liberality of two gentlemen, now deceased, Messrs. John G. Leake and John Watts, Esquires, to whose humanity and kind feelings our beloved city will be indebted, in all future time, for rescuing orphanage from wretchedness, degradation and death, and giving education, a comfortable home, health, trades, friends, and hope of *prosperity* and of *happiness* to the most helpless and destitute of our race.

The importance of the New York Fire Department is universally admitted. I offer my congratulations on its continued efficiency and usefulness, and the general harmony that now prevails among the companies composing it. Consisting, as it does, of a numerous body of our citizens engaged in various pursuits and business, and voluntarily associated for the preservation of property and life, from the ravages of conflagration, it has become identified with our safety and happiness. For

intrepidity, skill and firmness of purpose, "*in the summer's heat and winter's cold, our Firemen are unsurpassed by those of any country.*"

During the last summer, the subject of immigration received the careful attention of the municipal authorities. Early in that season it was discovered that extensive arrangements had been made quietly to invade New York, with a large number of foreigners, thousands of whom had no means of livelihood. The plan was to make the passengers believe they were to be landed safely in New York, and to be duly reported ; when in truth and in fact they were to be put on shore at Perth Amboy, from the ships in which they took passage, and to be left to enter our city through New Jersey ; and the shippers of them intended to be thus relieved from the risque of giving bonds for their support, as well as from the expense of commutation. On a representation of the facts to the Common Council, they authorized application to be made, by the Mayor, to the authorities of New Jersey, for the passage of such laws as would protect us from further fraud and imposition, by speculators and passenger brokers. On making known the circumstances to Governor Pennington, he promptly and readily placed before the Legislature of New Jersey a message, in pursuance of which, laws were forthwith passed and approved, enacting that the corporate authorities of any city or town in that state, may impose and collect from the master, owner or consignee of any ship, for every alien passenger, not less than one dollar nor exceeding ten dollars ; master to furnish list of passengers ; none of them to be landed without permission, and if then sick, or shall afterwards become so, *to be taken care of by the city or town where they first came from the ship.* The thanks of

our city are due to the Governor, Legislature and People of New Jersey, for the friendly and proper manner in which they cheerfully and effectually responded to our wishes. Resistance to the combination of passenger agents, and to the deceptions of those who assisted them, has relieved our city from much expenditure in the support of paupers, and the emigrants from fraud, oppression and suffering. Our proceedings opened the eyes and awakened the sympathies of the people of Europe to the subject, and meetings for relief and protection of emigrants were held in several of her cities. Before the Common Council of Liverpool, it was distinctly stated by Counsellor Shiel "*that the system pursued by parties chartering vessels in the town of Liverpool alone, for the conveyance of poor people to America, was one fraught with evils scarcely to be credited, if it were not capable of the clearest proof.*"

Our privileges are also abused by the arrival of passengers at Eastport and other places, *with the sole intent* of reaching New York clandestinely, and without complying with the laws passed for our protection. We rejoice that our country should be the "*Asylum of the oppressed,*" but we cannot be willing that a single city should, without manly resistance, become a "conquered town." These remarks are submitted with the view of showing the propriety of inquiring whether it be not expedient to make application to the Legislature for a revision of the Laws, relative to relief and settlement of the poor.

A few months since, two armed vessels, of a nation in alliance with the United States, visited our country; one of them brought hither, and put on shore, without giving bond or paying commutation, a man who had been pronounced worthy of death; but who was relieved from that punishment by the sub-

stitution of exile. If this precedent pass without animadversion, it may be repeated. It would therefore seem desirable that our representatives in Congress should be requested to solicit the action of the Government of the Union, in such form as to protect our city from a like outrage upon our rights, our honor and our *permanent tranquillity*.

Our Literary Institutions continue to fulfil the most lively expectations of the friends of education and of the liberties of our country. On frequent personal attendance at the examinations and exhibitions of various "Public Schools," I have been highly pleased with the zealous exertions of the Trustees and Commissioners, the careful solicitude of parents, the devoted perseverance of the Teachers, and the proficiency and great promise of the pupils. At these Seminaries "useful knowledge" is pleasantly obtained in a form at once cheap, practical, chaste and unostentatious. One thing more remains to perfect the system, and that is the introduction of Academical or School Libraries. Let the books be suitable, and judiciously selected; taken home by the children, perused at the domestic hearth, and *self-instruction* will richly repay every expenditure. And should an application, upon this subject, be laid before you, I cannot doubt the same will receive your favorable consideration. For proud, as we justly are, of our own great Washington, because of his splendid achievements in war, we behold new and enduring civic wreaths entwining his venerable brow, while *speaking* to the Congress of the United States, in 1790, he manfully tells them "Nor am I less persuaded that you will agree with me in opinion, that there is nothing which can better deserve your patronage than the promotion of science and literature; knowledge is, in every country, the surest basis of

public happiness. In one in which the measures of government receive their impression so immediately from the *sense of the community* as in ours, it is proportionably essential. To the security of a free constitution, it contributes in various ways; by convincing those who are intrusted with the public administration that every valuable end of government is best answered by the enlightened confidence of the people; and by teaching the people themselves to know, and to value their own rights; to discern and provide against invasions of them; to distinguish between oppression and the necessary exercise of lawful authority, between *burdens proceeding from disregard to their convenience*, and those resulting from the inevitable exigencies of society; to discriminate the spirit of liberty from that of licentiousness; cherishing the first, avoiding the last, and uniting a speedy but temperate vigilance against encroachments with an inviolable respect to the laws."

The recent re-organization of the Watch Department is matter of heartfelt congratulation. While it is believed that its valuable and efficient services are extended, strengthened and secured, a saving of about \$20,000 per annum in its expenses is accomplished. And although in most of the large cities of the old world, and in many of those of our union, armed men are required to patrol the streets to aid the civil power in preserving the peace, we are thus far free from the demand for such assistance. Calls have occasionally been made for portions of our Militia to aid in the suppression of riots, yet such an event has not occurred for more than a year past. It is probable that fewer burglaries are committed in this city, than in any other of so large and so mixed a population. For this favor we are doubtless indebted to the prompt

action of our Courts ; to the vigilance of our Police ; the activity and energy of our Watchmen ; the good effects resulting from having in each ward a sufficient number of attentive and determined Sunday Officers, and much to the exertions and influence of all good citizens.

I particularly ask that those to whom the duty shall be committed take such measures as will *ensure* uninterrupted quiet upon the sabbath. Much of the tranquillity of the week depends upon success in this particular.

By the laws of this state, the Mayor is directed to *require bonds with ample* and satisfactory sureties from the master or owner of any and of every ship or vessel, the condition of which must be that for two years this city shall be indemnified from any charge or expense whatever in the care or maintenance of any alien passenger or passengers, arriving in such ship or vessel. The ordinances of the city give the Mayor power, *when requested*, to dispense with such bond, and to receive in lieu thereof a commutation or payment of not less than one dollar, nor more than ten dollars for each alien passenger. In case of such request made to the Mayor, officers called *visitors* go on board of such ship or vessel, and examine and report the condition of the passengers, and their occupations, to the Commissioners of the Alms House, who thereupon form their opinion of the rate, varying from \$2 50 to \$10, for which commutation might prudently be received. The Mayor then decides upon and fixes the average amount to be paid by the passengers. He has never exceeded that recommended by the Commissioners.

The continued health of the city is a blessing of the highest order. The total number of deaths for the year ending the

31st December, 1836, was 8,009, and for the year ending the 31st December, 1837, 8,479. I rely upon the scrupulous performance of every duty enjoined upon all the officers in any way connected with our valuable Health Department, and respectfully request that the utmost circumspection, and the most entire obedience to every ordinance relating to it, may constantly be required and enforced.

Public baths are, by many, believed to be worthy of aid from the Treasury of the City. It will not be denied that where they are numerous, convenient, and located in pure sea water, the health, safety, comfort and happiness of the people are thereby promoted. Whether any appropriation for such purpose be expedient, is left to your wisdom to decide.

It cannot be improper that I should take this occasion to make known the high sense I entertain of the promptitude, firmness and good conduct of our well armed and well disciplined militia. With the concurrence of the City Councils the Legislature gave to the Mayor authority to call them forth in certain cases in aid of the civil power. This has been done; and should circumstances justify it, they **WILL MOST CERTAINLY BE AGAIN VERY SPEEDILY ASSEMBLED.** The American militia are now what our militia were before the revolution, during the revolution, and in the subsequent conflicts, gallant men and armed patriots, knowing that our rights and liberties are the legacy of heroes, and should not be trodden down with impunity. It is not strange that such should be the character, the feelings and opinions of a people who are aware that their fathers, with an axe in one hand and a musket in the other, reduced the vast wilderness of our wide and rich domain, to fruitful fields.

In compliance with the petition from several corps of the uniformed militia, stands of colors have occasionally been presented to them. It is a compliment richly merited by those of our neighbors and fellow citizens who always hold themselves in readiness on a minute's notice, to peril their lives for the tranquillity and safety of our city.

From the year of its discovery to the present day, this place, at first known as the city of "Nieuw Nederlands," and now as "New York," has been considered a "commercial town." Those who at so early a period became acquainted with the position of the "Island of Manhattoes," foresaw that nature had prepared a splendid banquet for those who should possess it. They beheld the great rivers of the east and west, and of the great west, the beautiful lakes of the continent, and learned the unsurpassed fertility of the soil which borders them, they felt that, at no very distant day, "New York" must become and remain the queen of cities. In such a commercial mart, suitable and plenteous accommodations for the craft in which wealth, business and traffic must and will come to us are of immense interest. This is verified by the experience of ages that are passed. For this was as true of ancient as it is of modern times. The piers and moles of Tyre, Syracuse, Carthage, Alexandria, Athens and other cities, formed one of the mightiest of the causes of their superior prosperity. And it is every where declared that the *perfect safety* and convenience for all descriptions of shipping so extensively provided at London, Liverpool, Havre, Naples, Palermo and Boston, have attracted and perpetuated there much of the business which gives them wealth and power, and will continue these in their possession.

There was a time when the wharves, slips and piers constructed here were "*well enough*," and perhaps were as ample and extensive as the demand for them. But times are changed, and these important works must change with them. Ships are now constructed of huge dimensions, drawing great depth of water, the *kinds* of conveyance by water too, have been wonderfully altered and multiplied. The addition and general use of steam boats and tow boats in various forms, have created a demand for a species of dock room and a sort of exclusive use thereof, that were not dreamed of by any one a few years ago. The unconquerable industry and enterprise of *our own* state, as well as of New England, and of the "Great West," like the power of a slumbering lion, are only at rest, and will, as we hope and believe, again spring forth to new achievements and high objects. Our natural advantages and those derived from our various canals and rail roads, and to be continued and enlarged by the energies of the aspiring, ingenious and indomitable owners of an immense territory, are again to pour their treasures into our city, and give us new life, vigor, animation and advancement. The western wilds are rapidly filling with a hardy industrious and persevering people. A people from our own section of the Union, who know where our city is, and what are the superior advantages which she offers to them. They will improve them; this is not difficult. For the various power of steam "*annihilates*" so much space that we scarcely know any such thing as *distant places*, or "*far countries*." Those who but lately moved slow and could do but little, now change place with the rapidity of the wind. Let these facilities be considered in the right spirit by the mercantile community, unequalled as they are by those of any nation, and our afflicted

and abused city will soon retrieve her losses. I would ask for this subject your wise consideration, and your liberal and appropriate action.

I would only add that these views and anticipations are rendered still more deserving of your serious attention from the circumstance, that while reposing in the belief that nearly all the wonders to be accomplished by steam had been disclosed, we have been suddenly and unexpectedly visited by two steam ships from Great Britain, arriving in exceedingly short passages. Having in charge the real and substantial interests of our city, we shall give every rational encouragement to such enterprises. They bring the factories and capital of Europe very near to the enterprise of our citizens. There can be no doubt that similar adventures may be started in this country, and be multiplied throughout both hemispheres, and without detriment to the interests of our deserving ship owners. America will reap superadded advantages from these undertakings.

Our gratitude is justly due to an overruling Providence, that in the midst of many calamities, he has been pleased to bless our land with health, our husbandmen with abundant harvests, and preserved our country at peace with all nations.

Fully persuaded that the great interests of our city will receive your active attention, and that every department of our Government will at all times cheerfully discharge the duties incident to their several situations, I do not hesitate to pledge myself, to preserve, at every hazard, the peace and good order of the community, and to protect the rights and uphold the interests of every citizen. In such determination I am most happy to acknowledge I have been hitherto generously sustained by the people, and by their representatives in the Common Council.

Gentlemen, your duties and labors will be many, arduous and difficult. The devotion of your time and your energies to sustain and watch over the rights and privileges of your constituents, will give you high and undisputed claim to their respect and gratitude. In all your efforts in such a cause, you may be assured of my willing and cheerful co-operation. And I humbly trust that this may be the year, when our commerce shall be restored to its former renown, when the interchanges of trade shall exhibit their accustomed activity, when mechanical industry shall meet with appropriate rewards, when the toils of every laborer shall be repaid with competence and plenty, and when all within our once prosperous and highly favored city, shall rejoice in the full fruition of prosperity and happiness.

AARON CLARK.

DOCUMENT NO. 2.

BOARD OF ALDERMEN,

MAY 14, 1838.

The following Communication was received from the Water Commissioners, relative to the Croton Aqueduct, which was ordered to be printed and placed on file.

THOMAS BOLTON, *Clerk.*

To the Honorable the Common Council of the City of New York:

The Water Commissioners beg leave respectfully to represent: That, in their semi-annual report of the 1st of January last, they presented to the Common Council, their views on the subject of carrying the Croton water over the Harlaem River, and for the reasons therein set forth, they unanimously decided to cross the river with iron pipes, on a properly constructed bridge, leaving an opening, or arch way, sufficient in their opinion for all useful purposes of navigation. A plan and estimate of the cost accompanied the report. At the same time,

in order that the great saving in the expense of the project proposed and adopted by the Commissioners, might be seen, they submitted a plan, for crossing the river with an aqueduct on a regular inclined plane, upon a high bridge of 131 feet above tide water, at an expense of \$935,745, while the plan recommended by the Commissioners, for crossing the river on a low bridge, with iron pipes, would only cost \$426,027, making a difference in favor of the latter of \$509,718.

The subject was referred, in the Board of Aldermen, to the Committee on "Roads and Canals;" and the Commissioners, with the Chief Engineer on the works, were invited to attend several meetings of the Committee, when the necessary explanations were made, and the reasons in favor of the plan adopted by the Commissioners freely communicated. A majority of the Committee, however, deemed the plan proposed by the Commissioners, injurious to the navigation of the river. In order to obviate this objection, as far as consistent, the Commissioners proposed to leave an open archway of 120 feet in width, instead of 80; and 65 feet in height, instead of 50; which would still make the difference in the cost, in favor of the low bridge, \$459,718.

On the 23d day of April last, the Committee on "Roads and Canals" submitted their report to the Common Council, favoring the construction of a high bridge, at an expense of nearly half a million of dollars more than the plan proposed and adopted by the Commissioners. That report is still before the Common Council, unacted on. The Commissioners feel themselves justified in taking exceptions to some parts of this report, as they think statements are made, and conclusions drawn from them, not warranted by the facts of the case. The Committee, at page 619 of their report, introduced the estimates of Major Douglass, for crossing the river, both by aqueduct and by syphons, which shows a difference in favor of the syphons of only \$51,370, while the estimates of Mr. Martineau, for crossing the river with syphons, which was adopted by the Commissioners, when contrasted with the estimates of Mr. Douglass, for the

high bridge, (Mr. Martineau having presented no estimate for the said bridge,) makes the difference in favor of the syphon \$227,912 62. At the same page, the Committee observe:—
“This same bridge, which was estimated to cost \$415,650, is now estimated to cost \$935,745,” and they deem it “worthy of consideration, whether, with such discrepancy in the estimates, it would not be well to make more thorough and satisfactory estimates, before commencing the work.” To this, neither the Commissioners or Engineers can have any objection, if it should be deemed necessary by your Honorable Body. They, at the same time, think they have already given, in their report of the first of January last, satisfactory reasons for the discrepancy alluded to, which may be found at page 380 of the said report, where they observe, “The sum required is more than \$3,000,000 over any of our former estimates, and can only be accounted for by the fact, that the Engineers, originally employed, did not possess the means of testing their calculations, by the actual cost of the work under contract, as we have been able to do, &c.” These reasons, the Committee have not alluded to, not having deemed them worthy their attention; but, had they, or either of them, travelled over the line of Aqueduct before and since the commencement of the work, the Commissioners think they would have been better enabled to estimate the cause or discrepancy than they now are, in a work of greater magnitude than is to be found in this or any other country.

At page 624, the Committee state, that the receiving reservoir is at 86th street, and until the water reaches this, it is not proposed to draw off any water for the use of the city above that street. No benefit, therefore, will be derived from the project, to the upper parts of the island, while at the same time, they would be taxed to pay the interest on the debt, &c. This conclusion is by no means correct; the Committee might, with the same propriety say, no provision is made for supplying that part of the city, between the receiving reservoir at 86th street, and the distributing reservoir at 34th street, or between that

and the Battery. The duty of the Commissioners is, to bring in the water, not to distribute it. The water will stand at 86th street, about 120 feet above tide, and may be distributed from the receiving reservoir, to a large portion of the upper parts of the city, as high as the attics of the buildings, and it is believed, there is a very small portion of the land on the island so high, but that they may receive the water from this reservoir, in their basement at least. If that part, or any other part of the city is not supplied with water, therefore, it will not be the fault of the Commissioners, but of those whose province it is to distribute it by pipes.

At page 620, and at several other parts of the report of the Committee on "Roads and Canals," it is asserted that "the navigation would be obstructed for every thing, except boats and vessels without masts."

The general assertion by the Committee "that an archway of 65 feet in height, and 120 feet span, will not admit vessels with masts, to pass through it," is what we had no right to expect. It must be known to the Committee, as it is to every person having any knowledge of the vessels navigating our rivers, that there are many of them which could, with perfect ease, pass through this archway. The two masted craft employed in transporting manure, have masts from 35 to 45 feet in height. Nearly all the market boats, as they are called, of from 40 to 50 tons, have masts measuring, from the keelson up, from sixty to sixty-five, as the Commissioners are informed. There are, however, no doubt, several hundred vessels with masts, now navigating both the North and East Rivers, that could pass through an arch of 65 feet in height, and any of the steamboats, with their towboats, would find no manner of difficulty in the passage. The large sloops of 90 or 100 tons, with masts of 80 feet in height, would not be able to pass; but, if the contemplated canal shall be cut sufficiently wide and deep, and if McCombs Dam shall be removed, and some parts of the channel excavated, then, and in such case, these large vessels may come from the North River as far as the bridge, and also

from the East River to the bridge. It appears to the Commissioners, however, quite problematical, to say the least of it, that the Harlaem River will ever be made navigable for any but small vessels. First, there is McComb's Dam to be removed. The act authorizing its erection, makes it the property of Robert McComb, his heirs and assigns forever ; and how are they to be deprived of it, as a vested right ? Second, the channel of the river is full of sinuosities and curves, and varies from twenty to five feet in the deepest parts of it. To make it straight is impossible, and to deepen it will be attended with great expense ; add to this, the contemplated canal, through marble rock and salt marsh, with the removal of a portion of the dam, and we have a work that cannot be effected for less than half a million of dollars. The act incorporating the Harlaem River Canal Company, only contemplated an improvement of the navigation, "so as to afford to vessels which shall traverse the land canal, an easy navigation from Spuyten Duyvil Creek to and along Harlaem River to the East River," and the Committee on "Roads and Canals" of the Board of Assistants, in their report of the 22d January last, at page 431, confine the whole object of improvement to obtaining a draft of water amply sufficient for a passage through the river, "not only for ordinary steamboats, but also such lake boats as will find their way to our city, through the enlarged Erie Canal ;" and at page 436, "to establish a direct communication for steamboats, and other vessels, between the East and North Rivers, and affording a delightful and cheap aquatic excursion, to a numerous class of our citizens." At page 437, they say, "here may basins be constructed, for all our river and lake craft, and if it is found necessary for large vessels to lay here, or to repair, in the section of the river between Harlaem and McComb's Dam, the water is sufficiently deep."

The improvement of the navigation, therefore, as contemplated by the Engineer who made the survey, and by the Committee who projected the plan, only extended to the opening a navigation for steamboats, and vessels navigating the canals ;

and the plan for crossing the Harlaem River, as proposed by the Commissioners, not only gives the facilities contended for, but increases them.

At page 624 the Committee say, "the rapidity of the current through the archway, for at least half of the time, would be such as to make it dangerous to pass through, even if the height was sufficient."

If the rapidity of the current, through an opening of 120 feet, which is greater than the channel width of some parts of the river, would make it dangerous to pass, what would be the effect of a passage through the draws of the five or six bridges, particularly through the contemplated opening in McComb's Dam, which it is understood is to be but from twenty to thirty feet in width? The draw in the Harlaem Bridge is not to be less than twenty-five feet, by the act; and the bridge now in progress, for the use of the inhabitants of Harlaem and Morrisena, is carried out, in solid abutments, from both sides of the river; and will have the same effect upon the rapidity of the tide as McComb's Dam, and much greater than the low bridge, with an opening of 120 feet, as proposed by the Commissioners. Instead, therefore, of the decreased depth of the river, by the erection of the low bridge, as supposed by the Committee, we concur with the Committee of the Assistants, "that this river will be restored to its original depth, by the proposed work, from the force of the current, is the general opinion of all who have considered the subject."

The answers made by the Committee, to the specific reasons offered by the Commissioners in favor of the plan by syphons, has not been attended to, as they have presumed your Honorable Body will contrast the reasons with the answers, and decide them on their merits; but the Commissioners feel themselves called on to notice the observations of the Committee, as to the third reason offered by the Commissioners. The Commissioners only stated the fact, that the experience in sinking piers, in so great a depth of water and mud, in order to reach the rock bottom, being very limited, and their great number

and immense height, from the rock to the spring of the arches, *although their construction is practicable*, it must be attended with many unforeseen difficulties and casualties, &c. (see Doc. 55, p. 372); and the Committee admit, that they were informed by Mr. Jervis, that he did not consider there was any *serious difficulty* in the erection of the high bridge. (See their report, p. 622.) With these opinions before them, that the Commissioners considered the measure *practicable*, and that the Chief Engineer did not consider there was any *serious difficulty* in the way of the erection, the Committee seem to understand the fact of limited experience in sinking piers, of the description alluded to, as applicable to the whole work on the aqueduct, and accordingly say, "If there is a want of experience in those employed by the Commissioners, in working on the Croton Aqueduct, it certainly is not to be supposed that men of competent abilities and experience can *not* be found to undertake and complete the work." There are but two works in this country, known to the Commissioners, in which piers have been sunk, in about the same depth of water and mud, as those required for the aqueduct bridge over the Harlaem River, viz.: the bridge for travelling over the Schuylkill River, at Philadelphia, and that in progress, for crossing the Potomac River with the Alexandria and Chesapeake Canal. With a knowledge of this fact, had they not good reason to think the experience in this description of work limited? But the Committee have referred to the London Bridge, the bridge over the Potomac, as well as several other works in our own country, of a similar character, all requiring as much experience and skill as this work, &c. (p. 621.) Where these other works of a similar character are situated, the Committee have not deemed it necessary to say. Those they have quoted, however, differ materially from the high bridge for crossing the Harlaem River. The piers of the London Bridge, from the bottom of the foundation to the top of the parapet wall, is about seventy feet in height, while the high bridge is 163 feet, nearly double; and the piers of the bridge over the Potomac, are about fifty feet, or about the one-third of the height of the aforesaid high bridge.

The Commissioners have deemed it their duty to state further, that they were directed by the Act of the Legislature, passed the 2d of May, 1834, to adopt a plan for supplying this city with water; which plan, if approved by the Common Council, was to be presented to the electors; and, if adopted by them, it was to be carried into effect, "with such immaterial alterations as may be necessary." The plan submitted and adopted, both by the Common Council and by a majority of the electors, contemplated crossing the river by iron pipes, or an inverted syphon, as the following extract from the report will clearly show:

"Crossing Harlaem River by aqueduct, and by wrought iron pipes, or inverted syphons, as to cost.

Estimate by J. Martineau, for wrought iron pipes	\$ 187,737 62
" by D. B. Douglass, by high arches and	
aqueduct	415,650 00
Difference in favor of an inverted syphon	<u>\$227,912 62</u>

The difference in the cost of crossing the river by a pipe of the description alluded to, compared with that of an aqueduct, is so considerable that, in the opinion of the Commissioners, it ought to be adopted. (See Doc. 44, p. 364.) At page 368, they say, "the river is to be crossed by inverted syphons, &c." and in bringing together the estimates of the two Engineers, the saving, by crossing the river by syphons instead of aqueduct, is deducted from the average amount of cost; clearly showing, that throughout their report, the Commissioners had in view the propriety of avoiding the heavy expense that would be incurred, if the plan for a high bridge and aqueduct of masonry was adopted. The quotation from the report of the Commissioners, referred to by the Committee on "Roads and Canals," at page 619, was not given as the opinion of the Commissioners, but as the opinion of Major Douglass; and forms part of the synopsis of the report, made by that gentleman to the Commissioners.

The Commissioners are of opinion, therefore, that an important part of the plan adopted by the Common Council, and ratified by a large majority of the electors of this city, was the crossing of the Harlaem River by inverted syphon; and it then remains for the Common Council to decide, whether, under the circumstances of the case, it is competent to direct so material an alteration in the plan, not called for by any adequate consideration of usefulness, and thus add to the expense of the project more than half a million of dollars, without the sanction of the electors in the same manner as that provided for in its adoption.

Whatever may be that decision, the Commissioners feel they are bound to comply with its direction. They would respectfully urge, however, a speedy decision on the question, in order that this part of the work may progress in the same order, and with the same speed, as the other parts. The crossing of the Harlaem River, even by the plan proposed by the Commissioners, is a work of great magnitude, and its commencement ought not to be delayed a moment more than what is absolutely necessary. The time already elapsed since the subject was presented to the Common Council, has tended to embarrass the operations of the Commissioners, in a measure, by depriving them, during their late letting to contractors, of placing this important part of the work in a progressive situation; and, if longer delayed, will materially interfere with the further operations of the work; particularly if the expensive project should be adopted, which will require one or two years more to complete, than the plan recommended by the Commissioners; they earnestly request, therefore, that your Honora' le Body will give them the necessary instructions, at the earliest day practicable.

All which is respectfully submitted.

By order of the Board,

STEPHEN ALLEN, *Chairman*,

*Office of the Water Commis- }
sioners, May 8th, 1838. }*



DOCUMENT NO. 3.

BOARD OF ALDERMEN,

JUNE 4, 1838.

The Committee on Laws, &c. to whom had been referred the Act of the Legislature, passed April 6, 1838, authorizing the Common Council to appoint one or more Commissioners to investigate the causes of fires in this city, &c. &c., presented the following report, together with the annexed Ordinance in relation thereto, which were laid on the table and directed to be printed for the use of the members.

THOMAS BOLTON, Clerk.

Resolved, That the Act of the Legislature passed the 6th day April, 1838, " To authorize the Common Council of the City to appoint one or more Commissioners to investigate the causes of fires in the City of New York," be referred to the Committee on Laws, to report on the measures necessary and proper to carry said law into effect.

The Committee on Laws, &c. to whom was referred an Act

of the Legislature passed 6th day of April, 1838, " To authorize the Common Council of the City to appoint one or more Commissioners to investigate the causes of fires in the City of New York," ask leave to REPORT by an Ordinance, which is hereto annexed.

JAMES LYNCH,
JOSEPH R. TAYLOR,
THOMAS JEREMIAH.

AN ORDINANCE

RELATIVE TO COMMISSIONERS OF FIRES.

The Mayor, Aldermen and Commonalty of the City of New York, in Common Council convened, do ordain as follows:

§ 1. The Common Council may appoint three persons Commissioners to investigate the causes of fires in the City of New York, who shall hold their office during the pleasure of the Common Council, and shall each receive a compensation at and after the rate of One Thousand Dollars per annum.

§ 2. It shall be the duty of the said Commissioners to attend all fires which shall occur in the City of New York; and immediately after each fire, to investigate the cause thereof, and enquire and ascertain, as nearly as may be, in what manner the same originated, and particularly whether by design or by negligence, by defect in the construction of the building, or the manner of warming or lighting it, by the business carried on in such building, or in the manner in which it was conducted, or by the combination of materials liable to spontaneous combustion.

§ 3. It shall further be the duty of the said Commissioners to keep a record of their proceedings and of the evidence taken by them in each case, and to file a report of their proceedings in each case, together with a copy of the evidence taken, and their opinion as to the cause or origin of the fire, in the office of the Clerk of the Common Council. And they shall be authorized to employ such Clerk or agent at a compensation to be fixed by them, and to provide for such stationery, and other expenses, as they may deem necessary, to an amount in the whole, including such compensation and expenses, not exceeding \$1,000 per annum, to be audited by the Comptroller.

§ 4. A summons or subpœna, in the name of the Mayor, Aldermen and Commonalty of the City of New York, and subscribed with the names of the said Commissioners, may be issued by the said Commissioners, requiring any person or persons in the City of New York to attend before them and testify upon oath concerning any fire in the City of New York.

§ 5. Every person who, having been personally served with such summons or subpœna, shall neglect or refuse to attend before the said Commissioners, or shall refuse to testify under oath, shall, for every such offence, forfeit the sum of twenty-five dollars.

§ 6. That this ordinance shall take effect on the first day of July next, provided that the sum of \$4,000 shall be previously paid into the City Treasury, by one or more of the Insurance Companies of the City of New York, for the purpose of defraying the expenses incurred, and shall continue in force (unless repealed) so long as one or more of the said Insurance Companies shall, on or before the first day of May in each year, pay into the City Treasury the sum of \$4,000 for the purpose of defraying the expense; and that on failure to make such payment, this ordinance shall expire on the first day of July succeeding such failure.

AN ACT

TO AUTHORISE THE APPOINTMENT OF COMMISSIONERS TO INVESTIGATE THE CAUSES OF FIRES IN THE CITY OF
NEW YORK.

Passed April 6, 1838.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

§ 1. It shall be lawful for the Common Council of the City of New York, to appoint one or more Commissioners, not to exceed three in number, to investigate the causes of fires in the City of New York, who shall hold their offices during the pleasure of said Common Council, and shall receive such compensation as the Mayor, Aldermen and Commonalty shall by ordinance direct.

§ 2. It shall be the duty of such Commissioner or Commissioners to inquire into and investigate the causes of all fires which may occur in the City of New York, as soon as may be after they occur, and to keep a record of their proceedings, and of the evidence in each case, and to file the same, or a copy thereof, in the office of the Clerk of the Common Council of the said City.

§ 3. It shall be lawful for the Mayor, Aldermen and Commonalty of the City of New York, to summon and compel the attendance of any person being in the City of New York, before the said Commissioner or Commissioners, to testify upon oath, concerning any fire in said City, under such penalty for non-attendance or refusal to testify, as the said Mayor, Aldermen and Commonalty shall, by ordinance, provide and direct; and the said Commissioner or Commissioners are hereby authorised to administer such oath.

§ 4. Nothing in this Act contained shall be construed as compelling the said Mayor, Aldermen and Commonalty, or the said Common Council, to exercise the powers conferred by this Act, except at such time, and for such period or periods, as they, in their discretion, shall deem proper; and no such Commissioners shall be appointed, until one or more of the Insurance Companies in the said City shall agree to pay to the said Commissioners, such sum or sums as the said Common Council shall fix for their compensation, and all expense attending and consequent thereupon.

§ 5. The proceedings of said Commissioners shall, at all times, be public, as those of the Courts of Justice of this State.

State of New York, }

Secretary's Office. } I have compared the preceding with an original Act of the Legislature of this State, on file in this office, and do certify that the same is a correct transcript therefrom, and of the whole of said original.

ARCH'D. CAMPBELL,

Albany, April 16, 1838.

DEP. SECRETARY.





DOCUMENT NO. 4.

BOARD OF ALDERMEN,

JUNE 6, 1838.

The Street Committee, to whom was referred the petitions for and remonstrances against the widening of Wall, on its northerly side, at its junction with Pearl street, presented the following report thereon, which was laid on the table.

THOMAS BOLTON, Clerk.

The Street Committee, to whom was referred the petition of the Commercial Insurance Company and others, for the widening of Wall street, and also sundry remonstrants against the same,

REPORT:

Your Committee have had an examination of the subject, and by public advertisement gave all persons interested an opportunity to give to the Committee a full expression of their views on the subject.

The proposed widening commences at the corner of Pearl

street, and extends about 90 feet along Wall street, taking about 3 feet from the lots on Wall street, so as to correspond with the fronts of the buildings recently erected on that side of the street, and corresponding with the line of Wall street below Pearl.

About 60 feet of this front is now down, and is about being built upon in an expensive manner. The remaining 30 feet is occupied by a building of not an expensive character, and would no doubt be rebuilt in the course of a few years. The improvement also contemplates the taking about 3 feet from the fronts of No. 52 and 54 Wall street, which being done would make the north side of Wall street a straight line from the City Bank to Water street, most of the lots having, within a few years, been rebuilt upon, and have been voluntarily set back to the line now proposed.

It is desirable that Wall street afford to the great number of persons who daily resort there for business, sufficient facilities of passing, and it is also desirable that the line of the street should be uniform.

The remonstrants are numerous and represent a large amount of property, which would probably be obliged to bear a part of the expense. They aver that they have already been obliged to pay a large sum for the extension of Beaver street, and also for the recent widening on the southerly side of Wall street, for which latter improvement was paid the sum of \$85,000, and they claim that the opponents to the measure so far outnumber the applicants, that the Common Council ought not to disregard their remonstrance. Your Committee freely accord to the remonstrants the full weight of their objections, and have taken great pains to ascertain the reasons and motives therefor, and they are constrained to believe that the opponents to the measure are so principally from the aversion they have to the expected expense, and they found their estimate of the expense on the heavy sum awarded to the owners of the lot on the opposite corner, by the Commissioners of Estimate and Assessment, on a resolution to widen Wall street on the southerly side.

Your Committee cannot believe that the estimate for this improvement should be measured by the cost of the previous one. The former award was made when property in this vicinity was at its highest point—nearly the whole of the lot was taken, and the Commissioners were obliged to award a sum approximating that which at interest would produce an amount equal to the rents received for the premises.

Not so in the proposed improvement. The lot on the corner of Pearl street has a front on Pearl, of 42 feet 9 inches, and from which it is proposed to take about 3 feet. On the remainder of this lot a building may be constructed that will probably produce nearly as much rent as if left of the present dimensions.

Another apprehension on the part of the remonstrants is, that those owners who have, of their own accord, set their buildings on the proposed line, will claim damages for the ground heretofore given up to the Public, as has been the case in the matter of the widening of Pine street, but the Committee have provided for this in the resolutions hereto annexed.

The Committee unanimously recommend the adoption of the following resolutions:

Resolved, That Wall street be widened on the northerly side, commencing on the easterly front corner of the building No. 58, which stands 3 feet $3\frac{1}{2}$ inches from the present line of Wall street, and running in a direct line to the corner of the building known as Stone's Corner. On the north-east corner of Wall and Pearl, as designated by a red line in a map on file in the Street Commissioner's Office, and signed, "John Ewen, Street Commissioner, June 6, 1838."

Resolved, That Wall street be widened on the northerly side, commencing on the easterly corner of Jones' building, which stands 3 feet $3\frac{1}{2}$ inches from the present line of Wall street, and running in a direct line to the corner of No. 56, which stands 2 feet 11 inches from the present line of Wall street.

Resolved, That the Counsel of the Board take the proper measures to carry these resolutions into effect.

C. DE FOREST,
THOMAS LAWRENCE,
NEHEMIAH WATERBURY.

SEMI-ANNUAL REPORT

OF THE

WATER COMMISSIONERS:

From the 1st of January to 30th of June, 1838, inclusive.

DOCUMENT NO. 5.

PRINTED BY ORDER OF THE COMMON COUNCIL.

1838.



BOARD OF ALDERMEN,

JULY 2, 1838.

The Water Commissioners presented their Semi-Annual Report, from the 1st of January to the 30th of June, 1838, agreeable to an Act of the Legislature; which was laid on the table and directed to be printed for the use of the members.

THOMAS BOLTON, *Clerk.*

To the Honorable the Common Council of the City of New York.

The Water Commissioners, in obedience to law, beg leave respectfully to

REPORT:

That they have deposited with the Comptroller, their fifth semi-annual account of disbursements, commencing on the 1st day of January 1838, and ending with the 30th of June, thereafter.

The total of the expenditure to the 30th of June, aforesaid, under the "Act to provide for supplying the City of New York with pure and wholesome water," passed the 2d of May, 1834, is as follows :

From July, 1835, to January, 1836	.	\$31,828 02
" January, 1836, to July, 1836	.	12,070 84
" July, 1836, to January, 1837	.	28,099 58
" January, 1837, to July, 1837	.	62,602 85
" July, 1837, to January, 1838	.	233,856 93
" January, 1838, to July, 1838	.	605,766 76
		<hr/>
Total amount disbursed	.	\$974,224 98
Balance in hands of Commissioners	.	913 00
		<hr/>
Grand total of requisitions on the Comptroller		<u>\$975,137 98</u>

The following is a synopsis of the sums disbursed by the Commissioners, from the 1st day of January to the 30th of June inclusive, presenting a condensed view of the several objects for which the money has been paid. For particulars in detail, see the account rendered the Comptroller.

Paid for land required for the aqueduct, for embankment and right of way	.	\$113,590 00
Paid the contractors on the aqueduct	.	474,399 00
Paid salaries to Engineers, and for the inci- dental expense of the corps	.	13,608 04
Paid for advertising, printing and stationery		335 19
Paid salaries of Commissioners and their Clerk, and for their incidental expenses	.	3,714 50
Paid for Chancery expenses, and for searches in the title of land required for the works		120 03
		<hr/>
Total	.	<u>\$605,766 76</u>

The Commissioners issued, on the 24th of March last, an advertisement soliciting proposals for work and materials on 26 sections of the aqueduct, comprising the THIRD DIVISION, and 6 sections, part of the FOURTH DIVISION; the work to be completed on the 1st of October, 1841, and the proposals to be received at their office in the City of New York, until the 7th day of May, at 9 o'clock, P. M. This part of the work extends from the village of Hastings to the Harlaem River, about thirteen miles in length, and completes the whole line of aqueduct in the county of West Chester.

The bids were uncommonly numerous, and the applicants respectable. On some of the sections, more than thirty offers were proposed, and consequently, the competition was spirited, and the prices lower than those demanded at the previous letting. The offers accepted by the Commissioners were as follows:

THIRD DIVISION.

Section 54, Ward and Lund	\$35,116
" 55, the same	53,214
" 56, Nichols and Perine	36,726
" 57, Sage, Wood & Sage	39,064
" 58, John G. Myers	40,226
" 59, Hiram Geer	42,049
" 60, Joseph Ditto	31,665
" 61, John G. Myers	36,937
" 62, G. I. and G. Wilkes	37,000
" 63, Timothy Woodruff	26,707
" 64, the same	45,334
" 65, Christopher Midler	18,569
" 66, Delano and Farwell	133,313
" 67, the same	58,920
" 68, Samuel Farwell	38,169
Carried over	<hr/> \$673,009

Brought forward	.	.	.	\$673,009 00
Section 69, Bottum and Scott	.	.	.	52,617 00
" 70, the same	.	.	.	36,643 00
" 71, Wells and Farrington	.	.	.	63,394 00
" 72, the same	.	.	.	41,333 00
" 73, A. Nelson & Co.	.	.	.	42,730 00
" 74, the same	.	.	.	39,094 00
" 75, Chesebrough and Case	.	.	.	54,273 00
" 76, Charles G. Case	.	.	.	50,659 00
" 77, the same	.	.	.	52,790 00
" 78, S. Farwell, Brayton & Co.	.	.	.	34,885 00
" 79, the same	.	.	.	47,008 00

FOURTH DIVISION.

Section 80, Francis Quinn	.	.	.	42,420 00
" 81, Somerville, Sharp & Co.	.	.	.	56,077 00
" 82, Charles G. and Jonathan Case	.	.	.	48,103 00
" 83, James Faulkner and H. P. Loomis	.	.	.	37,744 00
" 84, Ferrell and Randall	.	.	.	34,375 00
" 85, James Faulkner and H. P. Loomis	.	.	.	46,390 00

\$1,453,544 00

Add 10 per cent. for contingencies . 145,354 40

Total . . . \$1,598,898 40

These several sums, carried out as the amount of each contract, is only expected to be an approximation to the aggregate amount, based on a calculation of the various descriptions of work to be performed on each section, in order to determine the state of the bids, and is made up by separately estimating the amount of every description of work to be executed, including materials, and by multiplying the several prices demanded, with the quantity of materials and work to be furnished and performed. Preparatory measures are first adopted to as-

certain the nature of the ground on the line of aqueduct, by sinking shafts on so much of it, as was to be placed under contract, and by such aids, enabling the Engineers to estimate the quantity of rock or earth to be excavated or tunnelled; and, by corresponding means, the quantity in cubic yards, of embankment, back filling, foundation wall, protection wall, the measurement in feet of the different descriptions of wood and timber; the weight of wrought and cast iron, and the cubic yards of mason work in brick, stone, &c. is estimated, multiplied by the prices bid, and when added together, make the aggregate of the offer, as near at least, as the circumstances of the case will admit.

We took occasion to state in our report of the 4th of January last, that, on the 13th of September, 1837, Appraisers were appointed on all the land required for the aqueduct in the county of West Chester, not previously obtained by appraisal or purchase, and that on the 4th of November thereafter, the Appraisers made their report to the Chancellor in due form. That there were fifty-one owners of separate pieces of land appraised, only twelve of whom had produced the necessary certificate, and received the amount awarded them; and that fourteen of the cases were still before the Chancellor waiting confirmation.

Most of these cases were confirmed on the 8th of January, 1838, and a short time thereafter, the amount of their respective awards were tendered them by our Solicitor, which, by the advice of their Counsel, they refused to receive. The Commissioners therefore, found it necessary, either to adopt decisive measures, or permit the work to be arrested in its progress. To this end, believing the public interest would be better promoted by defending a suit, should any be commenced against them, as threatened, than to stop the progress of a work of so much magnitude and importance as the one they were engaged in, they came to the conclusion to assume the responsibility of directing the contractors to proceed in their operations on all the land, the award of which had been confirmed, and the mo-

ney tendered the owners, and they were so directed accordingly; at the same time engaging to defend them in every legal act within the bounds of the property line of the aqueduct. The money thus tendered was, by order of the Chancellor, paid into Court. It did not lay there any length of time however, as most of the owners concluded to withdraw their opposition, and the greater part of the money was, accordingly, claimed and drawn out by those to whom it had been awarded.

There are two cases however, viz: George Harvey, and R. Dyckman and others, which were reported by the Appraisers on the 4th of November, 1837, the decision on which, has been postponed from time to time by the Court, until the 9th of April last, when they were referred back to the Appraisers for re-examination. The Appraisers met on the 26th of that month, and after reviewing the property, and hearing the additional evidence produced, reported to the Court they saw no cause to alter their former decision on the subject, and on the 21st of May the Chancellor confirmed the report. The amount awarded was tendered to the owners of the land on the 25th, the receipt of which they refused, on the plea, that an appeal from the decision of the Vice Chancellor of the first Circuit would be made to the Chancellor, to set aside the proceedings and reverse the decree.

In the case of Rebecca Dyckman and others, notice was given on the 29th of May, that an appeal to the Chancellor would be made to reverse the decree of the Vice; the result of which is unknown.

On the 18th of June, the Commissioners, on the complaint of Rebecca Dyckman and others, was served with an injunction from the Court of Chancery, ordering them and their contractors to desist and refrain from entering upon those parts of the premises, comprised in section fifty-six of the aqueduct, and at the same time, they were commanded to appear in person before the Chancellor on the 25th day of June, 1838, to answer said bill of complaint, and to do what the Court should have considered in that behalf, under the penalty of \$250. The Com-

missioners accordingly appeared by their Counsel and Solicitor, and on the hearing of the cause, the Chancellor issued an order, dissolving the injunction, and permitting the work to proceed. A copy of the opinion of the Chancellor is hereunto annexed.

An arrangement has since been made with Mr. Harvey, respecting an alteration of the rail road from his marble quarry to the river, and he has accordingly consented to receive the amount awarded by the Appraisers, which was paid him on the 28th day of June, on his releasing to the Corporation, the land required for the construction of the aqueduct.

The necessary maps of the land required on the Island of New York (amounting to about 26 acres) having been completed, the Commissioners commenced negotiating for its purchase. Two blocks of that, required for the receiving reservoir, each containing 4 acres 779 thousandths, was owned the one by the heirs of William Matthews, deceased, and the other by the heirs of Moses Field, deceased. That belonging to the estate of Matthews was purchased by the Commissioners for the sum of \$11,000, and the deed of Tunis Van Brunt, his executor, is deposited with the Comptroller, the necessary examinations having been previously made as to title, and found correct. The block belonging to the estate of Moses Field, deceased, was also agreed to be purchased for the same sum as the former, but it was found on examination, that the chain of title was incomplete, two of the conveyances being missing, neither of which was on record or in possession of the executor. The Commissioners therefore directed their Solicitor to apply to the Chancellor for the appointment of Appraisers, and on the 17th of May last, the Chancellor appointed for the purpose John Targee, Samuel Gilford, and John L. Ireland, Esquires, Appraisers, under the act of the 2d of May, 1834. These gentlemen met pursuant to their appointment, on the 19th of May, and after viewing the said block of land, reported an award of \$11,000, which report was confirmed by the Chancellor on the 21st of May thereafter, and by his order, the money was paid to Hickson W. Field, Esq. the executor of the estate of Moses

Field, on his placing in possession of the Commissioners a quit claim deed, which deed has been received and deposited with the Comptroller.

The Commissioners also directed their Solicitor to apply to the Chancellor, to appoint Appraisers on all the land required for the works on the Island of New York, and also, for several pieces of land to be covered with water by the Croton Reservoir, for the purchase of which the Commissioners have been unable to agree with the owners.

A circular was issued by the Commissioners on the 15th of May last, requesting proposals for furnishing the necessary quantity of iron pipe, that may be required for the syphons, and for conveying the Croton water from the receiving to the distributing reservoir, and for the proper outlets to be connected with the distribution pipes. Proposals to be received by the Water Commissioners, at their office in the City of New York, until the first day of October next. The weight wanted is estimated at from four to five thousand tons. A large portion of the pipes to be three feet diameter, and the remainder thirty inches diameter, part to be one inch, and part one and a quarter inches, in thickness. Some curved and branch pipes will be required. The pipes to be furnished, a portion of them in 1839, another portion in 1840, and the remainder in 1841, in accordance with a schedule attached to the circular. The pipes to be subject to the necessary tests and inspection, under the direction of the Commissioners. The foregoing paper has been extensively circulated, a copy of it having been addressed to each of the known iron founders, both in the United States, and in Great Britain. When the information requested shall have been received, in accordance with the above, we shall then be enabled to decide whether, in a financial point of view, and under all the circumstances of the case, it will be most to the public interest, to import the article from abroad, or to obtain it in our own country.

The line of work has been regularly visited by the Commissioners, once in every two weeks, from the commencement of

operations; and, occasionally, whenever called upon by occurrences requiring their interference. The regular visits of inspection for the last season terminated in November, on the suspension of the operations of the masons, and re-commenced on the first of April, 1838. They found the test to which the hydraulic cement, used in the mason work of the aqueduct, had been exposed, during the severity of the past winter, calculated to dissipate all fears as to its permanence and durability; and there can now be no doubt, that the work, by its character of imperviousness and solidity, will be free from material deterioration for ages.

In these visits the Commissioners are uniformly accompanied by the Chief and Resident Engineers; and every part of the work is not only thoroughly examined, but defects, if any, pointed out and remedied; and, if improperly constructed, ordered to be removed and rebuilt. There are but few cases, however, of the kind alluded to, which have occurred as yet; and they have always been corrected, with cheerfulness, by the contractors; and we have reason to think, under the present organization of the Inspection Department, that the work will be performed in a satisfactory manner. There are also frequent occasions requiring the interference of the Commissioners, which is necessary should be settled on the spot; such as misconceptions of the contractors, in relation to the work to be performed; complaints of the owners of land, respecting obstructions in the roads and highways; injury to the buildings, by carelessness in blasting rocks; and other matters, requiring immediate attention; which has usually occupied from four to six days at each inspection, and will require additional time when the whole line shall be in operation.

The work performed during the winter consisted, principally, of excavation in earth and rock; in tunnelling, and in quarrying stone, and preparing them for use in the construction of the culverts, bridges, and other erections connected with the aqueduct, which has greatly facilitated the spring operations. But, in order that some idea may be formed of the progress of the

work, we beg leave to present the following statement, embracing the principal operations on the line ; such as the length of aqueduct completed, the number and extent of tunnel excavation, the number and capacity of the culverts erected, &c. :

1st. **AQUEDUCT.**—The whole length of aqueduct, arched and complete, was, on the 25th of June last, 10,280 feet, or about two miles in length.

2d. **SIDE WALL.**—The length of the side wall of the aqueduct, ready to receive the arch, exclusive of that already arched, was 18,376 feet, or about three and a half miles in length.

3d. **CULVERTS.**—There are twenty-two culverts completed and in use, discharging the water from the several creeks and runs, some of them of considerable magnitude ; and their aggregate length is 1825 feet. The number partly finished was seven, and their length is 578 feet. Seven of these culverts measure from 100 to 148 feet in length ; seven of them from 80 to 96 feet, and *thirteen* of them from 50 to 72 feet. **NINE** of them are large, measuring from six to ten feet span ; eight of them from three to four feet span ; and the remainder, from one and a half to two feet.

4th. **TUNNELS.**—Three of the tunnels have been perforated through the solid rock, from one end to the other, in the aggregate 670 feet in length. One on section twenty, 335 feet ; one on section fifteen, 165 feet ; and one on section thirty, 170 feet in length. There are also five tunnels, partly finished, measuring, in the aggregate, 610 feet, excavated. In a long tunnel on section fifteen, there has been excavated through the solid rock, 360 feet ; and another on section sixteen, 200 feet ; the other three, from 10 to 25 feet ; making a total of tunnel excavation of 1,280 feet in length.

5th. **FOUNDATION AND PROTECTION WALL.**—The quantity of foundation wall laid amounted to 28,000 cubic yards, and of protection wall 13,160 cubic yards.

This is but a very brief sketch of the work which has been performed, and is confined altogether to the operations on the first and second divisions, exclusive of the large amount of ex-

cavation in rock and earth on a line of thirty-three miles in length; nearly the whole of which has been completed, together with a large amount of building materials prepared.

The contractors on the sections lately placed under contract, comprising the whole of the **THIRD** and a portion of the **FOURTH** divisions, have commenced their work with spirit, and appear unwilling to be outdone by their predecessors on the works. The number of mechanics and laborers employed on the whole line, on the 25th ultimo, was 3,043; they will be very considerably increased during the summer, as the Commissioners have good reason to hope; which will enable them to show, in their next semi-annual report, an important addition to the work under their charge. The whole length of aqueduct now under contract, extending from the Croton to the Harlaem River, is **THIRTY-THREE MILES.**

The work was somewhat retarded, early in the present season, by a turn-out of the laborers for an advance of wages. It commenced on section 15, under contract to Timothy N. Ferrell. The per diem pay, during the winter months, was 68½ to 75 cents; and the contractor posted a notice, that the pay, for the month of April, would be from 75 to 81½ cents. The demands of the men, however, was 87½ to 100 cents per day; and the contractor, refusing to comply with these terms, the laborers on that section, (for it did not extend to the mechanics,) quit the work in a body, and proceeded along the line of aqueduct in a tumultuous manner, from the Croton Dam to Sing Sing; compelling those who were willing to work to join them, until they amounted to several hundred persons. The prompt interference of the Magistrates of the town of Mount Pleasant, however, prevented the mob from proceeding further than the said village; and in a few days thereafter, such of the men as the contractors were willing to employ, returned to the works; while the leaders, and the most riotous of the men, were refused employment, and they accordingly left the place. The wages now paid is 87½ cents to laborers, and 150 cents to mechanics, per day. Controversies between the contractors

and those they employ, on the subject of wages, are by no means new, as it regards the operations on public works, but frequently occur. We ought not to expect, therefore, to be entirely freed from an annoyance so common to others, similarly situated ; but riots and bloodshed, may, and will be prevented, whenever there is a vigilant and intrepid Magistracy, who are both willing and able to perform their duty, whenever and wherever occasion may require it.

Notwithstanding the precautions taken by the Commissioners, to prevent the cause of riot, on or near the works, in binding the contractors to exclude the use of intoxicating drink from the line of the aqueduct, as the following extract from their contract will show : “ And the said contractors further promise and agree, that they will not of themselves, or by their agent or agents, give or sell any ardent spirits to their workmen, or any other person, on or near the line of said aqueduct, or allow any to be brought to the work, by the laborers, or any other person, and will do all in their power to discountenance its use, in the vicinity of the work, by persons in their employ.” It has nevertheless been found that the love of lucre has induced certain individuals, regardless of the injury inflicted on others, to open places of resort for the laborers, where this *enemy of man* may be obtained, in any quantity for money. We found during our late inspection of the works, that farm houses had been converted into taverns, and that, several shanties had been erected, under the denomination of boarding houses, where whiskey is sold to the lowest order of laborers.

These places of resort, are out of the jurisdiction and control of the contractors, and the only check they possess, which has frequently been resorted to, is, to discharge every drunken man from their employ, or who may attempt to smuggle the prohibited article on the line of the works. The owners of the farm houses, however, which have been converted into taverns, and of the land, upon which the shanties are built, where liquor is sold, and of the Magistrates who granted the license for its sale, are more or less responsible, morally, if not

legally, for the evils which have and may result from the sale of ardent spirits to the workmen.

From the experience of 1837, respecting the conduct of the men employed on the works, the Commissioners had good reason to conclude, that the anticipations of riot, depredations, &c. were without foundation, and they so expressed themselves in their report of the 4th of January last. At that date none of those places for the sale of liquor were established in the vicinity of the works; or if they were, they were not known as such, by the Commissioners. We have some cause to believe, therefore, that the facilities afforded the laborers in obtaining whiskey, has been the source of the frequent riots among them, this season, in one of which, a life was lost, whether by accident or premeditation has not been ascertained.

The riot alluded to, occurred in the month of April last, and originated during a drunken frolic, from an old grudge, growing out of some sectional difference between the parties while in Ireland, whether religious or political, we were unable to ascertain. They were known by the cognomen of Corkites and Formanaghs, different counties. The fight was most desperate, resulting in broken heads, and maimed bodies and limbs, and eventually in the death of one of their countrymen, named Baxter. Indictments were found against several of the men engaged in this riot, but the testimony on the trial was so contradictory and vague, that the act of killing could not be fixed upon any individual of them in particular, and the Court and Jury were compelled to forego the charge of murder, and to bind, under recognizance to keep the peace, the most noted of the rioters, and discharge them from custody. Since which, there has been no disturbance among the men, to our knowledge, and every thing appears to progress in harmony.

Information has reached the Commissioners, that it is the intention of the Assessors of the towns through which the aqueduct passes, to levy a tax on the property of the Corporation, as well on the unfinished work as on the land occupied, or to be occupied by the aqueduct. Application was made by one

of the Assessors to the Resident Engineer, on the second division, for a statement of the quantity of land owned by the Corporation in the town of Greensburgh, and the necessary data upon which to found an accurate estimate not being at hand, he was referred for the information required, to the farmers from whom the land was purchased, presuming, if we were to be assessed, that each piece of land would be valued the same in proportion on the Corporation property, as that placed on the farm of which it had formed a part. This rule however, it would appear is not to be followed out, for we are now notified that the Assessors of the aforesaid town have valued the public property, in a lump, at \$60,000. We believe the measure of raising taxes on a work of the nature alluded to, to be unprecedented, and especially in its unfinished state, when a good portion of the work and materials are the property of the contractors, and not of the Corporation of New York. The Commissioners wish to draw the attention of your honorable body to this subject, in order that adequate means may be resorted to, for a redress of this grievance, which, if carried out upon the principle stated by the aforesaid town, will be of sufficient importance to claim the attention of the Legislature, under whose authority the land alluded to was obtained, and the work commenced, and thus far progressed in.

A very important portion of the work has been delayed for several months, waiting the decision of the Common Council, on the subject of crossing the Harlaem River with the aqueduct. The specifications and plans for the work on the Island of New York are in forwardness, but, until the question alluded to is settled, no progress can be made in perfecting the necessary descriptions and drawings for the great work on the river; and it having been deemed advisable that the next letting should include the whole of the work on this island, as well as the crossing of the river, the Commissioners would feel much relieved if your honorable body will settle this vexatious question, of high or low bridge, with the least possible delay.

The Commissioners, in company with the Chief Engineer,

had the honor of attending a meeting of the Committee on "Roads and Canals" in the month of March last, and among other matters, took the liberty to urge upon their consideration the necessity of immediate measures being adopted by the Corporation, for opening and establishing the grade of the avenues and streets, through which the line of aqueduct has been located, and also, those by which the large receiving reservoir is bounded. No report on this subject has been made to your honorable body, within the knowledge of the Commissioners, and deeming the measure of the utmost importance to the convenient and economical progress of the work, the Commissioners beg leave respectfully to call the attention of the Common Council to the subject.

The receiving reservoir is bounded by the sixth and seventh avenues, and by seventy-ninth and eighty-sixth streets, and it will be proper that said avenues and streets should be opened, and the grade made to conform to the banks of the reservoir.

The connecting pipes between the receiving and distributing reservoirs will pass through 80th street and the 5th avenue, and this street and avenue should also be opened and the grade fixed.

The distributing reservoir at Murray Hill, is bounded on the south by 40th street, on the north by 42d street, on the east by the 5th avenue, and on the west by land the property of the Corporation. It will be necessary, therefore, that these streets should be opened and the grade established.

In addition to the foregoing, the aqueduct passes obliquely over several streets required to be opened, and the grade established, and in crossing others, it is proposed to carry the aqueduct over them by bridges erected for the purpose.

For a more particular delineation of the several requirements, and other matters connected with the subject, we beg leave to refer your honorable body to a report made to the Commissioners by the Chief Engineer, on the 20th of February last, a copy of which is hereunto annexed.

The present Engineer Corps consists of the persons below named, with the division of the work to which they respectively are attached, and the annual salary paid them. The payments are made monthly and a receipt taken from each person on the pay roll. The engagements with the Engineers are permanent, but with the Rodmen, Axemen, Inspectors and Draftsman, temporary.

FIRST DIVISION.

Edmund French, Resident Engineer	Salary	\$1,500 00
M. Churchill, Assistant,	.	1,000 00
F. B. Tower, Assistant,	.	1,000 00
M. O. Davidson, Assistant,	.	720 00
George D. Wise, Rodman,	.	480 00
L. J. Brooke, Rodman,	.	480 00
T. Sickles, Rodman,	.	480 00
James Morrin, Axeman,	\$1 25 per day	
Michael Griffen, Axeman,	\$1 25 per day	

SECOND DIVISION.

H. T. Anthony, Resident Engineer,	Salary	\$1500 00
A. B. Lansing, Assistant,	.	900 00
J. J. Zabriskie, Assistant,	.	900 00
C. A. Righter, Assistant,	.	720 00
R. C. Moffat, Rodman,	.	480 00
J. C. Hamilton, Jr., Rodman,	.	480 00
W. O. Buchanan, Rodman,	.	480 00
Patrick McCormick, Axeman,	\$1 25 per day.	
William Rooney, Axeman,	\$1 25 per day.	

THIRD DIVISION.

William Jervis, Resident Engineer,	Salary	\$1,500 00
B. F. Crane, Assistant,	.	900 00
John E. Henry, Assistant,	.	720 00
Levi L. Lockling, Rodman,	.	480 00
B. F. Isherwood, Rodman,	.	480 00
John Lord, Rodman,	.	480 00

William Percival, Axeman, . . \$1 25 per day.
 John T. Bradley, Axeman, . . \$1 25 per day.

FOURTH DIVISION.

Peter Hastie, Resident Engineer,	Salary	\$1,800 00
James Renwick, Jr., Assistant,		900 00
Edward H. Tracy, Assistant,		720 00
John C. Campbell, Rodman,		480 00
Levi Platt, Rodman,		480 00
P. Hanson, Axeman,	\$1 25 per day.	
John B. Jervis, Chief Engineer,	Salary	\$5,000 00
Horatio Allen, Principal Assistant,		3,500 00
Charles B. Pearson, Draftsman,		900 00

INSPECTORS.

The Inspectors are stationed on the several sections as follows:

John B. Morrill, on Section 1 to 6 inclusive at \$60 per month.			
Daniel Adamson,	" 7 to 11	"	"
Dennis McCool,	" 12 to 15	"	"
James Orr,	" 16 to 20	"	"
James T. Orr,	" 21 to 26	"	"
John Barnes,	" 27 to 31	"	"
R. H. Doughty,	" 32 to 37	"	"
William M. Pullis,	" 38 to 43	"	"
Philetas Smith,	" 44 to 48	"	"
E. T. Menomy,	" 49 to 53	"	"

The Inspectors are regular mechanics, masons by profession, consequently, fully capable of detecting any improper work by those engaged in the construction. Work that would be rated first quality in buildings, will not answer for that to be performed on the aqueduct; for, although a well built house may prevent the rain from entering its interior apartments, it would be illy fitted to hold water as a reservoir; while the work on the aque-

duct must be of a character of sufficient compactness to withstand the pressure of a body of water, of much greater weight and force, than what would result from the descent of the most copious rain on a building. It is with some difficulty, therefore, that men, who are considered good workmen as builders, can be made to comprehend the necessity of the careful manner in which the work on the aqueduct is required to be performed. This incredulity increases the importance of a strict and rigid inspection, both by the Engineers stationed on the line, as well as from the Inspectors, in order that no part of the work shall be slighted, or imperfectly performed, by the men employed in its execution; and it gives the Commissioners pleasure to be enabled to state, that, thus far, the work has, with but very few exceptions, been performed in a manner perfectly satisfactory, and that the Inspectors have exercised due vigilance in the execution of their trust.

The confidence expressed by the Commissioners, in their last report, in the ability and devotedness of the Engineer Corps, and particularly in their able head, has not been diminished in the least, by the lapse of time, or the development of the plans for carrying on and consummating the great work now in successful progress.

For the convenience of the Corps, there are offices now established at the village of Sing Sing, for the first division; at Tarrytown, for the second division; and at Yonkers, for the third division; and there will be required an additional one, near Harlaem, whenever the remainder of the fourth division shall be placed under contract, and the work on it in a progressive state.

In the successful commencement of the work, the Commissioners take this opportunity to acknowledge their obligations to the Common Council of 1835, for the public spirit they displayed in the prompt approval of the plan for supplying the city with pure and wholesome water, as proposed by the Commissioners; and in their relying, for the authority to raise the necessary means, upon the favorable voice of their fellow

citizens, through the ballot boxes, founded on their knowledge of the propriety of the measure, and the ability of the Corporation to carry it into effect. The same spirit has been uniformly evinced by subsequent Common Councils, in rendering their unremitting countenance and aid to the measure ; and to this the Commissioners are mainly indebted for their ability to progress, thus far, with the great and important work under their special charge.

Respectfully submitted.

STEPHEN ALLEN, WILLIAM W. FOX, THOMAS T. WOODRUFF, SAUL ALLEY, CHARLES DUSENBERRY.	}	<i>Water Com- missioners.</i>
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Office of the Water Commissioners, }
July 2d, 1838.



APPENDIX.

As a document that may be referred to, if in any case found necessary, the Commissioners have prepared a Schedule of all the land purchased or taken by appraisal, in the name of the Mayor, Aldermen and Commonalty of the City of New York, on the line of aqueduct, in the County of West Chester, showing the number of acres acquired from each person, the amount paid for it, the date when paid, and the day when the evidence of title was deposited with the Comptroller, as follows :

Names of persons from whom purchased or taken by appraisal.	Quantity of Land.	Amount paid therefor.	Date when paid	Day on which the deed was delivered to the Comptroller.
	Acres. Thou- sandths.	Dolls. Cts.		
James Palmer	5 858	700 00	14 Oct. 1836.	Nov. 1836.
Zophar Palmer	768	45 00	14 " "	" "
Joshua Purdy	4 957	500 00	14 " "	" "
Henry Lounsberry	4 033	550 00	16 Aug. 1836.	Mar. 1837.
James Bailey	5 179	1,100 00	19 Jan. 1837.	" "
Robert Tompkins	3 824	550 00	2 Feb. "	" "
Gabriel Purdy	7 083	900 00	2 " "	" "
Van Cortlandt Estate	21 629	2,350 00	25 " "	" "
William J. Horton	1 135	125 00	27 Aug. 1836.	" "
Phœbe Fowler	309	50 00	31 " "	" "
Joseph Hunt	5 007	2,000 00	1 June, 1837.	June "
Robert Acker	057	125 00	3 Dec. 1836.	March "
Robert Hutchison	1 835	500 00	19 July 1837.	Aug. "
James Acker	1 651	200 00	2 Feb. "	March "
Richard Palmer	3 201	640 00	6 Sept. 1836.	" "
John Hoag	1 392	300 00	3 Dec. "	" "
Burnett Palmer	2 296	1,100 00	23 Aug. 1837.	Aug. 1837.
Joseph Auser	392	50 00	19 " "	March "
Albert Auser	045	06 25	25 Feb. 1837.	Mar. 1837.
John Strang	1 023	1,550 00	27 July "	Aug. "
Edward Auser	860	300 00	2 Feb. "	Mar. "
James Alcock	027	250 00	27 July "	Aug. "
Amount carried forward	72 561	13,855 06		

Names of persons from whom purchased or taken by appraisal.	Quantity of Land.	Amount paid therefor.	Date when paid	Day on which the deed was delivered to the Comptroller
	Acres.	Thous. cents.	Dolls. Cts	
Amount brought forward	72	561	13,885 06	
John Sing	268	3,500 00	3 Dec. 1836.	Mar. 1837.
William Brewster	133	30 00	25 Feb. 1837.	" "
S. & N. L. Mott	840	2,500 00	3 June "	June, "
Caleb Bacon	003	included in the last		
Knoulton, Carter & Wells	2 400	2,200 00	2 Feb. "	Mar. "
Elias Auser	2 213	2,200 00	28 Feb. "	" "
William Lane	075	2,000 00	25 " "	" "
Jesse Bishop	808	1,100 00	25 " "	" "
Baptist Parsonage	043	950 00	9 May, "	June, "
S. & N. L. Mott*	105			
Willett Holmes	051	450 00	25 Feb. "	Mar. "
William Arrison	034	460 00	12 April, "	June, "
William H. Peck	096	400 00	14 Jan. "	May, "
Michael Lent	016	250 00	3 Dec. 1836.	" "
Estate of H. Waller, dec.	294	2,500 00	28 " "	Mar. "
Russel Barnam	012	350 00	3 " "	" "
J. W. Robinson	643	1,000 00	9 Mar. 1838.	" 1838.
State Farm	2 417	9 "	" "	" "
James C. Hale	3 191	1,700 00	12 April 1837.	June, 1837.
Barney Davids	2 287	750 00	26 " "	" "
Edward Kemeys	2 811	1,100 00	24 Mar. "	" "
Edward J. Rider	491	64 06	5 Sept. 1836.	Mar. "
Gilbert Hatfield	2 455	368 25	5 Nov. "	April, "
James Knowlton	256	50 00	27 Dec. 1837.	Feb. 1838.
James Knowlton	1 766	1,150 00	27 " "	Jan. "
Heirs of Jesse Bishop	319	150 00	22 May, 1837.	Aug. 1837.
Abraham Craig	330	200 00	15 July, "	" "
William Creighton	2 966	2,250 00	25 July, "	" "
Abraham Leggett	1 637	1,000 00	15 April "	June, "
Richard Austin	2 984	2,100 00	26 " "	May, "
The same	1 150	included in the above		
Benjamin Butman	2 724	533 60	24 May, 1837.	" "
Albert Minnerly	1 356	650 00	26 April "	June, "
Cornelia Beekman	9 579	2,500 00	24 Feb. "	Mar. 1838.
Edmund Bird	2 305	207 45	7 Sept. 1836.	" 1837.
John Sing	015	10 00	25 Feb. 1837.	" "
Cornelius Jones	1 015	175 00	26 April "	June, "
Isaac Coutant	1 805	198 50	3 Sept. 1836.	Mar. "
James Jones	868	350 00	26 April, 1837.	June, "
William Beekman	5 383	2,650 00	24 Feb. "	Mar. 1838.
Caleb Wilkey	1 665	2,300 00	28 April, "	June, 1837.
Amount carried forward	132	370	54,231 92	

* Included in the purchase from S. & N. L. Mott, above.

Names of persons from whom purchased or taken by appraisal.	Quantity of Land.	Amount paid therefor.	Date when paid	Day on which the deed was delivered to the Comptroller.
	Acres. Thous. andths.	Dolls. Cts.		
Amount brought forward	132 370	54,231 92		
Abraham Storms	1 551	3,200 00	14 June, 1837.	Aug. 1837.
Jacob Mott	540	1,500 00	26 May, "	June, "
Jacob L. Mott	348	1,100 00	28 April, "	" "
John Archer	975	3,500 00	17 May, "	" "
Thomas Boyce	135	350 00	1 Aug. "	" "
James Benedict	896	1,700 00	28 Mar. "	April, 1838.
Dutch Church	208	250 00	28 Aug. "	Mar. "
Stephen B. Tompkins	2 180	2,560 00	3 July, "	July, 1837.
William Hunt	2 039	1,930 00	" "	" "
Eliza Van Wart	1 909	1,150 00	Aug. "	Mar. 1838.
Richard Austin	1 430	500 00	8 July, "	July, 1837.
William Paulding	1 190	900 00	14 " "	Aug. "
Nathaniel Requa	1 534	800 00	7 Aug. "	" "
John G. Hicks	950	700 00	21 July, "	" "
Benson Ferris	1 535	650 00	7 Aug. "	" "
George Jones	1 871	1,750 00	" "	" "
M. Mann and Isaac Lent	1 226	1,010 00	" "	" "
James Acker	1 232	1,000 00	3 July "	" "
Jemima Acker	683	600 00	28 Aug. "	Mar. 1838.
William Dutcher	718	1,500 00	21 Mar. "	April, "
Justus Dearman	1 187	1,000 00	28 " "	" "
John Jewell	3 061	1,600 00	2 Aug. 1837.	Aug. 1837.
Carter, Robinson & Weatherbee	1 485	1,450 00	17 Feb. 1838.	Mar. 1838.
James A. Hamilton	2 723	2,100 00	31 July, 1837.	" "
Isaac Requa	688	1,700 00	25 Aug. "	Aug. "
Jasper Stymets	1 748	1,500 00	28 Mar. 1838.	April, 1838.
Warner Willsee	3 628	1,800 00	20 Nov. 1837.	Jan. "
John Storms	1 799	1,250 00	28 " "	" "
Frederick B. Willsee	911	425 00	20 " "	" "
Stephen A. Halsey	4 899	4,000 00	5 June, "	July, 1837.
Charles Roach	635	800 00	Dec. "	Jan. 1838.
I. A. Willink	103	100 00	2 Mar. 1838.	Mar. "
John M. Moser	058	40 00	13 Dec. 1837.	Jan. "
J. B. Dodd	136	100 00	7 Mar. 1838.	Mar. "
Stephen Archer	321	1,700 00	13 Jan. "	Jan. "
A. J. Constant	5 110	5,500 00	11 Dec. 1837.	" "
Koune & Stolting	156	250 00	5 Mar. 1838.	Mar. "
William B. Fuller	039	75 00	" "	" "
M. Scheckler	188	475 00	17 Jan. "	Jan. "
Scherby & Staley	108	250 00	7 March, "	Mar. "
Amount carried forward	184 533	107,046 92		

Names of persons from whom purchased or taken by appraisal.	Quantity of Land.	Amount paid therefor.	Date when paid	Day on which the deed was delivered to the Comptroller.
	Acres. Thousands.	Dolls. Cts		
Amount brought forward	184 533	107,046 92		
Isaac Lafurgee	458	125 00	7 Dec. 1837.	Jan. 1838.
Charles C. Cooke	840	650 00	17 Jan. 1838.	Mar. "
Andrew Fuller	102	180 00	4 " "	Jan. "
William Wood	372	100 00	" "	" "
William H. Sanders	309	125 00	" "	" "
F. Bellemere	176	365 00	" "	" "
D. Webber	014	50 00	" "	" "
Charlotte A. Kidder	402	240 00	" "	Mar. "
Osegg & Hoffman	034	15 00	7 Mar. "	" "
George Harvey	1 354	2,500 00	22 May, "	July, "
S. S. Blackwell	412	300 00	4 Jan. "	Jan. "
James M. Thorp	993	600 00	" "	" "
Warner Field	1 074	760 00	20 Nov. 1837.	Mar. "
Kidder & Whitman	2 087	1,500 00	7 Mar. 1838.	" "
Rebecca Dyckman and others	5 669	3,000 00	22 May, "	" "
William Bolmer	6 105	1,500 00	7 Mar. "	" "
Catherine Robert	2 950	2,500 00	" "	" "
James H. Blackwell	2 460	1,750 00	" "	" "
E. F. Shonard	3 130	3,000 00	" "	" "
Sampson Simson	2 695	2,700 00	" "	" "
Lemuel Wells	5 890	5,000 00	" "	" "
John Hobbs	1 184	600 00	14 " "	" "
A. & R. Archer	1 240	387 60	June, "	July, "
Obed S. Paddock	580	500 00	13 April, "	April, "
John P. Baker	2 275	500 00	5 Sept. 1837.	27 Dec. 1837
David Horton	3 820	1,000 00	27 June, "	July, "
Benjamin Nodine	321	100 00	5 Aug. "	Dec. "
N. Valentine	2 303	1,000 00	5 Mar. 1838.	Mar. 1838.
Isaac Post	1 588	238 20	27 June, 1837.	July, 1837.
David Oakley	1 635	255 25	1 Oct. 1836.	Mar. "
Isaac Taylor	3 910	1,000 00	7 Mar. 1838.	Mar. 1838.
L. & A. Taylor	1 136	300 00	" "	" "
Benjamin Odell	2 801	770 00	" "	" "
Rebecca Devoe	3 154	870 00	5 " "	" "
Augustus Van Cortlandt,	5 589	2,000 00	9 Jan. "	Jan. "
Abraham Valentine	880	300 00	14 Aug. 1837.	Dec. 1837.
Caleb Van Tassell	1 197	359 10	15 July, "	" "
Thomas O'Brien	1 789	268 35	1 Oct. 1836.	March "
Jacob Varian	2 403	480 60	27 June, 1837.	July, "
Amount carried forward	258 864	144,936 04		

Names of persons from whom purchased or taken by appraisal.	Quantity of Land.	Amount paid therefor.	Date when paid	Day on which the deed was delivered to the Comptroller.
	Acres. Thon- sandths.	Dolls. Cts		
Amount brought forward	258 864	144,936 02		
Charles Dickinson and others	4 115	2,800 00	20 Feb. 1838.	Mar. 1838.
James Bathgate	6 647	5,000 00	13 Jan. "	Jan. "
E. & J. Perrott	355	100 00	7 Mar. "	April, "
Dennis Valentine	2 063	1,030 00	28 " "	" "
Peter Valentine	1 376	650 00	11 Dec. 1837.	Jan. "
John Butler	1 741	800 00	13 " "	" "
William B. Lawrence	1 016	508 00	1 May "	July, 1837.
The same	831	415 50	" "	" "
William Archer	917	650 00	11 Dec. "	Jan. 1838.
Samuel Archer	2 612	950 00	" "	" "
Ludlow & Morris	3 240	2,300 00	21 Nov. "	" "
William B. Lawrence	2 255	1,127 50	1 May "	July, 1837.
The Pool road	794	200 00	7 Mar. 1838.	Mar. 1838.
Jackson Pool	5 599	4,299 00	1 May, 1837.	July, 1837.
	292 425	165,786 02		

It appears then that the total quantity of land acquired for the aqueduct is 292 425-1000 acres, and the amount paid \$165,786 02. That portion of the land comprising a part of the State farm at Sing Sing, amounting to 2 417-1000 acres, is occupied under an act of the Legislature, without compensation; and the number of acres paid for by the Corporation is 290 008-1000 acres, and the sum paid per acre, on an average, is \$571 66.

The only case still unsettled, is that of Rebecca Dyckman and others; the Commissioners have reason to think however that the late opinion of the Chancellor on a question relative to this case, will induce those interested, to receive the sum awarded them without further controversy.

Agreements, in addition to those stated in our previous reports, have been concluded with the following named persons for a right of way to cross their land from the public road to the line of aqueduct, and for land required to bank over the aqueduct in such parts where the excavation is insufficient for the purpose, and for the deposite of materials, viz :

James Acker, for a right of way, three years . . .	\$ 90 00
James N. Wells, for a right of way	100 00
Robert Tomkins, for a right of way	150 00
Gabriel Purdy, for a right of way	250 00
Edward J. Rider, for a right of way	100 00
James Jones, for a right of way	125 00
Elias Purdy, for a right of way	125 00
John Jewell, for a right of way	250 00
David Oakley, for a right of way	150 00
William Dutcher, for a right of way	125 00
Charles Roach, for right to cross a street, with the aqueduct in the Village of Greensburgh	300 00
Stephen A. Halsey, for exemption from building a viaduct over a street in said village	700 00
Phineas Taylor, for temporary use of land to deposite materials, &c.	300 00
Stephen B. Tompkins, for release from constructing bridges over the aqueduct on his land	400 00
Abraham Storms, for a right of way, for three years	150 00
Frederick Devoe, for right of way, and room to deposite materials, &c.	300 00
Stephen Archer, for a right of way, for three years	100 00
William Bolmer, right of way, and room to deposite materials, &c.	300 00
Samuel D. Archer, for land for embankment, and a release from erecting a viaduct bridge, &c.	3,000 00
Amount carried forward	\$ 7,015 00

Amount brought forward	\$7,015 00
James Nicholson, for a road, and temporary use of land to deposite materials, &c.	150 00
John Jewell, for a large quantity of earth for em- bankment	1,000 00
William Requa, for a large quantity of earth for em- bankment	1,200 00
Obed S. Paddock, for his mill pond during the build- ing of the large culvert over the Sawmill River	3,500 00
James W. Robinson, for use of his lots to deposite materials, and for cutting drains through them	2,000 00
Cornelia Beekman, for use of roads, and for land to be used for embankment	3,000 00
Peter Valentine, for land for embankment . . .	600 00
Gerardus Beekman, for land for embankment . .	300 00
David Horton, for land for embankment, and the lo- cation of a road to be changed by him, &c. . .	2,000 00
James Palmer, for a right of way, and for land for embankment	300 00
I. and A. Taylor, for temporary use of land . .	150 00
A. and R. Archer, land for embankment . . .	600 00
Elijah Valentine, for right of way, and land for em- bankment	500 00
James H. Blackwell, for a right of way . . .	200 00
Augustus Van Cortlandt, for a right of way, and room to deposite materials	500 00
Heirs of Isaac Odell, for right of way and room to deposite materials	444 00
Edward F. Shonard, for right of way over his land	200 00
Albert Minnerly, for land to be used for embankment	400 00
	<hr/>
	\$24,059 00
	<hr/>

IN CHANCERY.

Rebecca Dyckman and others,	}	OPINION.
vs.		
Stephen Allen and others.		

The Chancellor.—There appears to be no constitutional objection to the law in this case; the several questions arising on it which involves constitutional difficulties, having already been passed upon by the Superior Courts in this State. It is not necessary here to give a construction to the law as to the right to a temporary occupation of a portion of the adjoining land for the purpose of a way while constructing the work, as that is a subject of an action of trespass, and not such an injury to the freehold as to constitute a proper subject for the interference of this Court by injunction. The complainants having been tendered the amount as settled by the Appraisers, and having a perfect remedy for any greater sum to which they may be entitled on the appeal, if an appeal lies in such a case, there is no reason for stopping the progress of the work, pending the appeal, even if the complainants are right in supposing that the defendants are technically wrong in proceeding with the work. An injunction should not, in any event, have been allowed on that ground, without requiring the complainants to give security to pay all damages which might be sustained by reason of the injunction, if the complainants did not finally succeed on the appeal. The injunction must therefore be dissolved.

June 27, 1838.

[Copy]

JOHN WALWORTH,
Assistant Register.

NEW YORK, 20TH FEBRUARY, 1838.

*To the Honorable the Board of Water Commissioners of the
City of New York :*

GENTLEMEN,

The line of the Croton Aqueduct is located in the 10th avenue, commencing near 152d street, and extending southerly to 107th street. It is important the Corporation should open this part of the avenue, and that they should establish its grade, (excepting from 134th to 109th street,) to correspond with the top or covering line of the aqueduct, or at least not below this level, as represented by the profiles herewith submitted.

The line of aqueduct occupies 85th street, from the 8th avenue to the 7th avenue. We want this street opened, and the grade established at the top line of aqueduct, as represented on the profiles herewith submitted.

The receiving reservoir occupies the ground bounded by 86th street on the north, 79th street on the south, and by 7th avenue on the west and 6th avenue on the east. We want the streets and avenues opened, so far as they bound the reservoir. For 86th street, we want the grade established at a level not more than fourteen feet below the level of top bank of reservoir; and where it intersects the 7th avenue, it should not be more than ten feet; and for 79th street the grade should not be more than fourteen feet below top bank. The grade of 7th avenue, commencing at 86th street, should rise to top level of aqueduct at 85th street; and thence gradually descend to twelve or fourteen feet below top bank at 81st street; and thence continue to 79th street, twelve or fourteen feet below top bank of reservoir. The grade of 6th avenue may be eight to fourteen feet below top bank at 86th street, and be twelve feet below at 82d street; and thence descend to fourteen feet below, at 80th street; and thence to 79th street continue level, or

nearly so. All the grades bounding the reservoir may be as high as top bank of the reservoir ; should this be preferred, the grades above stated being considered as the lowest desired ; to their being higher there is no objection as regards the reservoir. It is proposed to lay the iron pipes, to connect the receiving and distributing reservoir, in 80th street and 5th avenue ; and for this purpose we want 80th street opened, between 5th and 6th avenues. At the distributing reservoir we want 40th and 41st streets opened, from the 5th to the 6th avenue.

The line of the aqueduct leaves the 10th avenue at 107th street, and passes, partly obliquely, and partly at right angles across all the streets to 89th street, and between the 10th and 9th avenues ; and thence across 88th street and 9th avenue, and 87th and 86th, into 85th street, at 8th avenue.

From 107th to 102d, both inclusive, it is necessary to have the grade of the streets, where the aqueduct crosses them, established to correspond with the top line of aqueduct, as represented on the profiles herewith submitted. From 101st to 96th street, both inclusive, it is proposed to erect bridges to pass the aqueduct over the streets, and it is therefore necessary to have the grade established at a line not less than 32 feet below the top line of aqueduct.

From 95th to 85th streets inclusive, it is important that the grade line be established, to correspond with the top line of aqueduct.

In passing the grade over the aqueduct, it will be seen that the grade is 32 feet higher than at the street, where the grade is carried under. It is therefore obvious, that the connecting grades of streets and avenues, between two streets, where one is carried under and the other over the aqueduct, must have such inclination as will bring them together.

JOHN B. JERVIS,

Chief Engineer, N. Y. W. W.

DOCUMENT NO. 6.

BOARD OF ALDERMEN,

JULY 2, 1838.

The Committee on Laws, &c. and the Committee on Police, &c. presented the following report on the Presentment of the Grand Jury and communication from the Mayor, on the subject of the Debtors' Prison, which was directed to be printed for the use of the members.

THOMAS BOLTON, *Clerk.*

The Committee on Laws, and on Police, Watch and Prisons, to whom was referred a presentment of the Grand Jury, with a communication from the Mayor enclosing the same, on the subject of the Debtors' Prison, in the Halls of Justice,

REPORT:

That they have considered the subject with attention due to a case in which the health and comfort of a portion of our fellow citizens is stated to be involved.

The Committee appreciate the objections stated by his Honor the Mayor, as to confining debtors in a building used mainly for the imprisonment of persons charged with criminal offences; although they cannot consider it applicable in this case, because the debtors are confined in a building totally separate and distinct from that in which criminals are confined; yet they take this opportunity to remark, that, in their opinion, some other place ought to be provided, as a permanent location for the Debtors' Prison, or Jail, of this city, for various reasons. The Committees have visited the debtors' apartment in the Halls of Justice, and have consulted experienced workmen on the subject, and they have ascertained that as a temporary place of confinement, they are not liable to several objections which have been made against them, and particularly that the walls are not in such a state of dampness as to affect the health of the persons confined. The upper tier of rooms are perfectly dry, and, from their aspect and exposure, are capable of being well ventilated. The lower tier of rooms, the floor of which is about two feet above the level of the street, are not more damp than many rooms in houses newly erected, which are occupied by the most respectable families.

The prisoners have a corridor in which to take exercise indoors, at one end of which is a grated door, opening into the yard; and at the other, a comfortable dining room, well aired and lighted.

One objection which has been urged against the place in question is, that there is not sufficient accommodations for the Keeper of the Jail to enable him to *board* and supply such prisoners as may be able to pay for their accommodation. However this may have been a source of remuneration to the Keeper, and however proper it may be that such accommodations should be provided, in a place to be permanently appropriated as a Jail, the Committees are of opinion that it does not form an insuperable objection against the Jail as a temporary one, or that it is a consideration of sufficient weight to overbalance the expense and

inconvenience which would attend the providing another temporary place for the Jail.

Notwithstanding a state of the facts so different from the statements which have been, in various ways, put before the public, the Committees, with a view to add to the accommodation of the debtors in confinement, recommend that, in order to provide, in case of sickness, or the necessity of persons being placed in larger rooms than are now provided, two rooms in the attic story, at the corner of Leonard street, should be properly secured and added to the debtors' apartment. This addition, together with an appropriation of a part of the yard, which has already been made for the purpose of affording an opportunity to the debtors to take exercise in the open air, will render the Jail more fit and convenient, as a temporary one, than any other which could conveniently be provided; and, in the opinion of the Committees, as to purity of air and cleanliness, much more favorable to the health and comfort of the debtors than the building lately occupied as a Jail in the Park.

The Committees regretted to find in the debtors' apartment, a want of cleanliness which pervades the other public places of confinement in the city. They discovered offal of meat and vegetables in the rooms, which could not fail to produce a most unpleasant and unhealthy state of air; and on enquiry of the Keeper of the Jail, they were informed that he was not provided with means to correct the evil, and that he could not afford to do it at his own expense.

The Committees are of opinion that this state of things ought not to continue, and without stopping to enquire how far it is the province and duty of the Sheriff, to preserve a due and proper state of cleanliness in the Debtors' apartments, they are of opinion that ample assistance may be furnished him for that purpose without any additional expense to the City, by requiring the Keeper of the City Prison to furnish to the Sheriff from time to time, as he may require it, laborers to attend to the cleansing the apartments of the Debtors' Prison, and to the removal therefrom of all kinds of filth or offal.

The Committee hope to be excused from entering at present into the consideration of a plan for altering the laws in relation to imprisonment for debt; that seems to be a subject of general legislation not necessarily connected with the municipal duties of this Corporation, and involving as it does very important considerations, the propriety of discussing it under the influence of any peculiar local excitement seems questionable; the more, as one principal cause seems about to be removed by the speedy action of Congress, and in the state of the public mind on this question there is strong reason to believe that the attention of our Legislature will be directed to devising a plan which will effectually and speedily afford relief to honest debtors, and limit imprisonment for debt to cases of fraudulent debtors only.

The Committees in conformity to those views, beg leave to recommend the adoption of the following resolutions :

Resolved, That the Special Committee on Buildings be directed to cause two rooms in the attic story of the Halls of Justice, at the corner of Leonard street to be properly secured, and that the same be and are hereby appropriated as additional apartments as part of the Jail or Debtors' Prison.

Resolved, That it is inexpedient to change the location of the Jail until a proper and convenient place can be provided for a permanent location thereof.

Resolved, That it is expedient that a proper site should be procured and a Debtors' Prison erected thereon, upon a judicious plan, as soon as practicable.

Resolved, That so long as the Debtors' Wards, in the Halls of Justice, shall continue to be appropriated as the Jail of the City, the Keeper of the City Prison be required to furnish at the request of the Sheriff, from time to time, free of expense, such

laborers, under his control, as may be necessary to cleanse the Debtors' apartments, and to remove therefrom all filth or offal; to be employed under the direction of said Sheriff.

JAMES LYNCH,
THOMAS JEREMIAH,
JOSEPH R. TAYLOR,
WILLIAM HALL.





DOCUMENT NO. 7.

BOARD OF ALDERMEN,

JULY 2, 1838.

The Committee on Roads and Canals presented the following report in favor of building a sewer through Tompkins square, to the sewer in avenue C. Laid on the table.

THOMAS BOLTON, Clerk.

The Committee on Roads and Canals, to whom was referred the annexed petition of owners of property in 8th and 9th streets, in the 2d avenue, for the construction of a sewer through Tompkins square to the sewer in avenue C, respectfully

REPORT:

That the square is situate between 7th and 10th streets, and between avenues A and B. That the plan for regulating that portion of the city, contemplated the water to pass through 8th and 9th streets, since closed by the square, against which the water is now thrown during heavy rains, and accumulates in an offensive manner in the avenue.

The Committee are of opinion, that immediate provision should be made for disposing of this water, either by constructing curbs and gutters across the square in continuation of the lines of curb and gutter in 8th and 9th streets, or by building a small sewer under the surface in 9th street to avenue C, with a lateral branch to extend to and receive the water from 8th street.

The distance across the square is 686 feet. If curb-and gutter stones be laid they must be placed in each street, making in all four lines of curb and gutter, which would cost one dollar per running foot each line, amounting in the aggregate to \$2,744, which sum would be wholly defrayed by the Corporation; the sewer would be required to extend to avenue C, which with the lateral sewer would comprise a length of 1,660 feet, at a cost of three dollars per running foot, amounting to \$4,980, the greater part of which sum could properly be charged upon the owners of property benefited above and below the square.

The Committee are decidedly of opinion that the sewer is preferable to the curb stones, as it will not interfere with or disfigure the walks or be productive of any damage, while the latter would only detract from the symmetry of the Park, but if obstructed would be attended with hazard to the trees and shrubbery during summer showers, and would also prove offensive at other times from stagnant water which would partially lodge in particular spots.

The Committee therefore recommend the following resolution, which contemplates that a portion of the expense shall be borne by the owners of property interested, instead of putting the whole upon the City as requested in the petition:

Resolved, That a sewer with culverts and receiving basin be placed through Tompkins square and 9th street, in a line with the centre of the latter from avenue A, to the sewer in avenue C, with a lateral sewer to connect with 8th street, at avenue A, under the direction of the Street Commissioner, and that the Street Commissioner present an ordinance therefor.

R SMITH,

JOSEPH R. TAYLOR.





R E P O R T

OF THE

COMPTROLLER,

OF THE

PERSONS IN THE EMPLOY OF THE CORPORATION,

AND

THEIR SALARIES.

JULY 2, 1838.

NEW YORK:

PRINTED BY ORDER OF THE COMMON COUNCIL.

THE UNIVERSITY OF CHICAGO

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1900

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DOCUMENT NO. 8.

BOARD OF ALDERMEN,

JULY 2, 1838.

The Comptroller presented the following Report, with the List of the Officers and persons employed by the Corporation, with their salaries, which was laid on the table and directed to be printed for the use of the members.

THOMAS BOLTON, Clerk.

May 28, 1838.

Alderman Purdy presented the following resolution, which was adopted:

Resolved, That the Comptroller report to this Board the name of every Officer, Clerk, and all other persons, appointed by the Common Council, or otherwise, and who receive compensation from the City Treasury, or fees for their services, their employment, where employed, and the amount of their salary or compensation, and the period or time at which such salary or compensation was fixed, excepting the names of the men comprising the City Watch.

COMPTROLLER'S OFFICE,
New York, July 2, 1838.

To the Honorable the Common Council of the City of New
York:

In obedience to the annexed resolution, offered by Alderman Purdy, the undersigned has the honor to present a list of officers and persons receiving compensation from the Public Treasury, (with the exception of the names of the City Watchmen,) together with their salary or compensation.

Respectfully submitted.

D. D. WILLIAMSON, *Comptroller.*

NAMES.	OFFICES.	BY WHOM ELECTED.	COMPENSATION.	
			Per diem.	Annual.
Aaron Clark	Mayor	The People.		\$3,000
John Abern	Clerk to Mayor	Common Council		1,500
George W. Hinchman	Messenger	..		500
John Mount	First Marshal	The Mayor		900
Jacob Hays	High Constable	..		500
Robert Morris	Recorder	Governor and Senate		1,500
James R. Whiting	District Attorney	Court of Sessions		3,000
Henry Meigs	Clerk of Sessions	..		1,750
Henry Van Devoort	Assistant Clerk of Sessions	..		1,000
J. P. Roome	Crier of Sessions	..		300
Michael Ulshoeffler.	1st Judge Common Pleas	Governor and Senate	Fees	
Daniel P. Ingraham	Associate Judge Common Pleas	..	..	2,500
Sammel Jones	Chief Justice Superior Court	..	..	2,500
Thomas J. Oakley	Associate Justice Superior Court	..	..	2,500
Daniel B. Talmadge	..	..	..	1,600
Ambrose Kirtland	Assistant Justice, 1st district	Common Council		1,600
Nicholas C. Everett	.. 2d ..	..		1,600
William Wiley	.. 3d ..	..		1,600
Levi Clark	.. 4th ..	..		1,600
Anthony Woodward	.. 5th ..	..		1,600
Redwood Fisher	.. 16th ward	..		1,600
Isaac Doughty	.. 12th ..	..	Fees	
Claiborne Ferris	Clerk of Assist. Justice, 1st district	..	..	1,200
Abraham Tucker	.. .. 2d ..	..	..	1,200

NAMES.	OFFICES.	BY WHOM ELECTED.	COMPENSATION.	
			Per diem.	Annual.
Peter See	Clerk of Assist. Justice, 3d district	Common Council	\$	\$1,200
Isaac Labagh	.. .. . 4th ..	..		1,200
Robert L. Jaques	.. .. . 5th ..	..		1,200
James Hopson	Police Justice	..		2,000
John M. Bloodgood	.. .. .	..		2,000
Oliver M. Lownds	.. .. .	..		2,000
James Palmer	.. .. .	..		2,000
John W. Wynan	.. .. .	..		2,000
Robert Taylor	.. .. .	..		2,000
Jacob L. Dickenson	.. .. .	..		2,000
William Callender	Clerk of Police Office	..		1,250
Daniel M. Frye	.. .. .	..		1,250
Herman Ruggles	.. .. .	..		1,250
William Davis	Scrivener in Police Office	..		1,250
Harris Scoville	Public Administrator	Justices & Police Court		800
Samuel Stevenson	Marshal Marine Court	Common Council		1,250
Thomas Bolton	Clerk Board of Aldermen	Court		1,250
David T. Valentine	Assistant Clerk Board of Aldermen	Board of Aldermen	1 50	469 50
John Paulding	Clerk in office	..		2,150
Thomas Hagan	Messenger	..		1,800
Jacob Hays	Sergeant at Arms	..		500
John Newhouse	Clerk Board of Assistants	Clerk Board Aldermen		600
Morris M. Davidson	Assistant Clerk Board of Assistants	Board of Aldermen		500
Bernard Osborn	Sergeant at Arms	Board of Assistants		1,400
		..		200
		..		800

John Ewen	Street Commissioner	Common Council	3,000
Jacob S. Warner	Assistant Street Commissioner	..	1,500
M. D. L. Gaines	1st Clerk	..	1,000
John Seor	2d ..	..	750
Peter Perine	Draftsman	..	750
Gilbert Sawyer	Porter to St. Commiss'r and Compt.	..	469 50
D. D. Williamson	Comptroller	Common Council	2,500
J. W. Pinckney	Deputy Comptroller	..	1,500
Samuel D. Jackson	Clerk to Comptroller	..	750
Charles P. Bishop	Accountant to Comptroller	Comptroller	1,000
Charles B. De Forest	Clerk Fire Loan	..	1,000
Cornelius W. Lawrence	Chamberlain	Common Council	500
George F. Talman	Counsel	..	
N. B. Blunt	Attorney	..	Fees
John Caldwell	Collector of Arrears	..	..
Clarkson Crolius	.. ..	..	7 per cent. on collections
Ebenezer Burrell	.. ..	..
C. Van Winkle	Collector of Assessments	..	
Joseph Smith	.. ..	..	Fees
John Sharpe	.. ..	..	..
William R. Lawrence	.. ..	..	..
Alexander Edgar	Collector of City Revenue	..	1,500
Ira B. Wheeler	Coroner	..	
Cornelius Schuyler	Keeper of Potter's Field	The People	821 25
Thomas J. Hall	Superintendent of Hacks	Common Council	2 25
John Butler	.. .. Stages	..	800
		..	750

NAMES.	OFFICES.	BY WHOM APPOINTED.	COMPENSATION.	
			Per diem.	Annual.
Caleb M. Angevine	Assistant Superintendent of Stages.	Common Council	\$1 50	\$500
Isaac Brush	Keeper Washington square	..	1 50	500
John P. Whiteman	" Park	..	1 50	500
John W. Whiting	" Battery	..	1 50	500
Michael Anthony	" Tompkins square	..	1 50	500
John Simonson	Dock Master, 1st ward	Alderman and Assistant		500
Cornelius Camyer	.. 1st ..	..		500
John P. Hall	.. 2d ..	..		500
Richard M. Collick	.. 3d ..	..		500
Charles W. Riddell	.. 4th ..	..		500
Isaac P. Hatfield	.. 5th ..	..		500
Joseph M. Glasier	.. 6th ..	..		500
Benjamin Mott	.. 7th ..	..		500
John Barton	.. 8th ..	..		500
Daniel S. Scott	.. 9th ..	..		500
John Trigler	.. 11th ..	..		500
William Vonck	Superintendent of Markets	Common Council		800
Thomas C. Bartine	..	..	pr. day	800
George Duryea	Clerk of Washington Market	.. sweeping	\$2 00	500
Daniel Baker	Fulton ..	" "	2 00	500
Samuel W. Anthony	do.		salary.	500
John Fash	Catherine ..	..	1 00	\$1 00
Laurence Wiseburn	Centre ..	per mo.	40 00	34 83
George W. Peck	Clinton ..	" "	40 00	34 83
	Franklin ..	..		1 25

Barzilai Wyer	Clerk of Union Market	Common Council	per mo.	1 00
James D. Champlin	Jefferson ..	.. sweeping	16 00	1 00
William H. Simmons	Tompkins ..	.. "	12 00	1 00
Ira C. Gardier	Greenwich ..	.. "	8 00	1 00
Allen Thomas	Essex ..	.. "	25 00	1 00
Matthew Vogal	.. Monroe & Gouverneur Market	.. "	15 00	1 00
George Wetsel	Health Warden 1st ward	Board of Health		1 50
Jabez C. Lord	.. 2d ..	..		1 50
Thomas Dilks	.. 3d ..	..		1 50
Hezekiah Williams	.. 4th ..	..		1 50
Henry R. Shanklin	.. 5th ..	..		1 50
Michael Smith	.. 6th ..	..		1 50
Cornelius B. Hulshart	.. 7th ..	..		1 50
Benjamin Stickney	.. 8th ..	..		1 50
Zadoc Lewis	.. 9th ..	..		1 50
Nathan Beers	.. 10th ..	..		1 50
Julius Hitchcock	.. 11th ..	..		1 50
William Holmes	.. 12th ..	..		1 50
David Jaffers	.. 13th ..	..		1 50
George Trask	.. 14th ..	..		1 50
Wm. B. Walsh	.. 15th ..	..		1 50
Daniel Townsend	.. 16th ..	..		1 50
Luther A. Underwood	.. 17th ..	..		1 50
Joseph Bridges	City Surveyor	Common Council	Fees	
E. W. Bridges	.. ..	..	..
Edward Doughty	.. ..	..	..
Wm. B. Doughty	.. ..	..	..

NAMES.	OFFICES.	BY WHOM APPOINTED.	Fees	COMPENSATION.	
				Per diem.	Annual.
Samuel S. Doughty	City Surveyor	Common Council	..		
John Ewen		
Daniel Ewen		
A. M. Hoffman		
Isaac T. Ludlum		
Thomas R. Ludlum		
Silas Ludlum		
George B. Smith		
Edwin Smith		
Reuben Spencer		
F. P. Vidall		
William H. Sidell		
Francis Nicholson		
Roswell Graves, jun.		
George C. Shaeffer		
Gardner A. Sage		
William Dewey		
John Serrell		
William H. Hitchcock		
Edward Ewen		
Benjamin G. Wells	Superintendent of Buildings	..	..	\$2 50	\$1,200
Sydenham T. Smith	Clerk	..	..	1 75	500
Nathan H. Topping	Workman in Public Yard	Superint't. of Buildings	..		782 50
Fitch Wells		547 75

Henry Gillett	1	50	469	50
Charles Webb			469	50
Samuel Fairbanks			469	50
Joseph Coleman			469	50
John Patterson			469	50
William Thomas	1	87	586	87
Alonzo Wood	1	50	469	50
William S. Stillwell			469	50
Barnes Benoit			469	50
David Flanders			469	50
George W. Pettinger			469	50
William Hancock			469	50
A. T. Conklin			469	50
Zophar Bixby			469	50
J. C. Osborn	1	25	469	50
A. A. McKinney			391	25
Silas Coleman	1	00	313	00
Henry Caddick	1	25	391	25
Randley Farrell	1	50	469	50
Justus Munn	1	50	469	50
James Hopper	1	25	391	25
Thomas Doud	1	25	391	25
Jeremiah Luffborough	1	25	391	25
William Masterton		87	273	87
William M. Willson	2	50	782	50
John W. Striker	1	50	469	50

NAMES.	OFFICES.		BY WHOM APPOINTED.		COMPENSATION.	
					Per diem	Annual.
William B. Smith	Workman in Public Yard	..	Superin't of Buildings	..	\$	\$469 50
William Flick		469 50
William Smith		469 50
Hamilton Merritt	1 25	391 25
William Sherwood	2 50	782 50
Henry Young	1 50	469 50
R. Lewis	1 50	469 50
R. Van Dalson	1 25	391 25
A. Parsman	1 50	469 50
David Baker	2 00	626 00
John Martin	1 50	469 50
Enos Conklin	1 13	452 12
Robert Warner	1 50	469 50
John Myers	1 50	469 50
Joshua Mc Glocklin	1 50	469 50
Abraham Blauvelt	1 13	452 12
William Johnson	1 50	469 50
Thomas Finch	1 13	452 12
John C. Brant	2 50	782 50
A. Bowen	1 50	469 50
T. Pusher	1 50	469 50
James Clary	87	273 87
W. Charlton		273 87
R. Mulligan		273 87

T. Cragan	..	..	..	273 87
W. Manley	..	..	..	469 50
C. B. Smith	..	..	..	469 50
T. Celley	..	..	..	273 87
P. Cragan	..	..	..	273 87
Cornelius V. Anderson	..	..	Common Council	1000 00
Simon Vanness	..	..	Chief Engineer	2 50
A. R. Woolsey	..	..	..	586 87
Arrie Bogart	..	..	..	586 87
J. W. Comstock	..	..	..	586 87
James Brady	..	..	..	586 87
Abraham Van Ness	..	..	..	586 87
John Patterson	..	..	..	586 87
Alonzo Baily	..	..	..	469 50
R. W. Clark	..	..	..	391 25
John Harvey	..	..	..	391 25
John Mainatt	..	..	..	391 25
William Simonson	..	..	..	391 25
James Mc Kinney	..	..	..	391 25
John Finch	..	..	..	626 00
John Furdon	..	..	..	547 75
John Burdell	..	..	..	547 75
R. Van Dalson	..	..	..	391 25
D. Sherwood	..	..	..	547 75
S. Jackson	..	..	..	547 75
Samuel Pettit	..	..	..	626 00

NAMES.	OFFICES.	BY WHOM APPOINTED.	COMPENSATION.	
			Per diem.	Annual.
S. Lawrence	Mechanic in Public Yard	Chief Engineer	\$1 12	\$452 12
B. Gray	452 12
Lewis Hendricks	1 50	469 50
John Madden	1 12	452 12
Gilbert Winslow	1 75	547 75
David Williams	1 12	452 12
Abraham Bogert	1 75	547 75
Abraham Bogert, jun.	547 75
Levi Page	2 25	704 25
William B. Clark	1 88	586 87
Moses Depuy	586 87
A. T. Clark	1 50	469 50
H. H. Hammond	469 50
G. Hubbell	1 12	452 12
Charles Pollard	Tender Fire Engine No. 1	Foreman and Assistants.	..	125
John Beam	125
Christian B. Blanchard	125
Jacob M. Smith	125
John M. Andrews	125
James L. Quick	125
J. King	122
Craig	125
Peter H. Rose	125
Alfred J. Bailey	125

John Barnes	6	125
Benjamin A. Collard	6	125
John Groves	7	125
William Culbert	7	125
Dennis Connell	8	125
William Brown	8	125
John Thompson	10	125
Isaac Edwards	10	125
George Duroche	11	125
John Boughton	11	125
James Cook	12	125
Alexander Jackson	12	125
J. Thomas	13	125
J. Jones	13	125
Alfred Brewer	14	125
R. H. Wentworth	14	125
John Kurts	15	125
Abraham U. Lyons	15	125
William Crussell	16	125
George Styles	16	125
Louis De Coudres	17	125
Jacob Cooper	17	125
B. Law	18	125
John Boyd	18	125
Henry Kripps	19	125
William Ryan	19	125

NAMES.	OFFICES.	BY WHOM APPOINTED.	COMPENSATION.	
			Per diem	Annual.
Peter Powloss	Tender Fire Engine No. 20	Foreman and Assistants.		\$125
William Foster		125
William Bennett		125
John McDougall		125
William Free		125
James P. Adams		125
Samuel Bloomer		125
Hickson Wilson		125
M. Gregory		125
W. B. Harris		125
Amos Bogart		125
Enoch W. Jaques		125
Benjamin Keyser		125
Lewis Reed		125
Peter Brown		125
George Trenchard		125
Theodore B. Mercy		125
Alonzo Bailey		125
Lewis Parketton		125
Samuel Pettit		125
James Buckridge		125
Alfred Pierce		125
Henry F. Moore		125
George W. Hammond		125

Amuel Smith	36	..	..	125
Edward Moore	36	..	..	125
J. H. Haviland	37	..	..	125
J. W. Clayton	37	..	..	125
Zeno Sutton	39	..	..	125
William Bradbury	39	..	..	125
Daniel Jenkins	40	..	..	125
James C. McKinley	40	..	..	125
R. C. Lang	41	..	..	125
Andrew Craft	41	..	..	125
Thomas Meyson	44	..	..	125
Hooper Hagan	44	..	..	125
Isaac Kennard	46	..	..	125
Jacob Smith	46	..	..	125
Joseph Conklin	48	..	..	125
Peter Tonelle	48	..	..	125
G. P. Graticap	1	..	..	125
John W. Towt	1	..	..	125
Samuel Dayton	2	..	..	125
Francis Mallory	2	..	..	125
John Acker	3	..	..	125
Garret Winters	3	..	..	125
John M. Brown	4	..	..	125
Henry Ruck	4	..	..	125
William Hyer	5	..	..	125
William Halleck	5	..	..	125

Hook & L. Co. No.

NAMES.	OFFICES.		BY WHOM APPOINTED.		COMPENSATION.	
					Per di-m.	Annual.
William Boyer	Tender H. & L. Co.	No. 6	Firemen and Assistants			\$ 125
William McCrea	..	6	..			125
George Jameson	Tender Hose Co.	No. 1	..			125
Henry Cornclison	..	1	..			125
William Tinkler	..	3	..			125
John L. Pintard	..	3	..			125
James Hoffmire	..	5	..			125
James West	..	5	..			125
Samuel Thompson	..	6	..			125
Darius Farington	..	6	..			125
John G. Winters	..	7	..			125
Isaac Vanderbeck	..	7	..			125
Daniel R. Suydam	..	8	..			125
William Stevenson	..	8	..			125
H. J. Clayton	..	9	..			125
James Dobson	..	9	..			125
William Hawks	..	10	..			125
Henry Hawks	..	10	..			125
Baltus Moore	..	11	..			125
Henry Hoyt	..	11	..			125
Robert Castle	..	12	..			125
William Wells	..	12	..			125
William Costigan	..	13	..			125
R. I. Marcet	..	13	..			125

NAMES.	OFFICES.	BY WHOM APPOINTED.	COMPENSATION.	
			Per diem.	Annual.
Thomas Reynolds	Labourer	Water Purveyor	1 0	\$313
Daniel Dailey	313
Andrew Sullivan	313
William Bremen	313
William Iagoe	313
Thomas Bramon	313
Edward McCosker	313
James Boyce	313
John Donohoe	313
Edward Collerton	313
John P. Wood	313
Patrick Gallagher	313
Ezra Mead	313
George McNeal	313
John Brickley	313
John Gallagher	313
Edward Philips	313
J. F. Roberts	313
William Lloyd	313
Thomas Scallar	313
P. R. Lawrence	313
George Ralph	313
James Angus	313
Owen W. Brennan	313
	Superintendent Lamps	Common Council	No. Lamp	1,500
	Lamp Lighter	Superintendent Lamps	Per Lamp	\$21 two weeks
	1 1/2	21
	21
	21
	21
	21
	21

NAMES.	OFFICES.	BY WHOM APPOINTED.		COMPENSATION.	
		Superintendent.	No lamps.	P. r. lamp.	2 weeks.
Barney See	Lamp Lighter	..	100	1 1/2	\$21
D. Briggs	21
L. Corlough	21
H. Layman	21
Charles Irwin	21
Robert McGee	21
L. Crofut	21
J. Cameron	21
Floyd Southard	21
G. Monroe	21
A. Corey	21
S. Noyes	21
Alexander Hureman	80	1 1/4	19 60
William Miller	100	1 1/2	21
Andrew Craft	21
Silas Ling	21
George Cox	21
A. Kelly	80	1 3/4	19 60
L. R. Norton	100	1 1/2	21
J. Conwell	21
George W. Rees	80	1 3/4	19 60
J. N. Cully	19 60
Thomas W. Mantle	100	1 1/2	21
Gilbert Falconer	21
	80	1 3/4	19 60

NAMES.	OFFICES.	BY WHOM APPOINTED.	COMPENSATION.	
			Per diem.	An. sal.
John Miller	Laborer	Sup't. Wharves & Piers	\$1 37	
D. Angevine	1 75	
A. Gentle	1 37	
R. Owen	
W. Jones	
George Havens	
J. Tobin	
N. Vantassel	
J. Hammond	
S. Tisdale	
Man and horse	2 00	
S. Waterman	1 37	
Henry B. Bolster	Superintendent of Pavements	Common Council		1 75
John Kerran	Foreman and Clerk	Superint't. of Pavements		1 75
Edward Pollock	Foreman	..		1 75
Thomas Hogan		1 75
Samuel Trindale		1 75
Henry Cochran		1 75
William Kennedy		1 75
John Frazer	Paver	..		1 50
Dennis Neeson		1 50
Nicholas Cahill		1 50
Daniel Ryan		1 50
Thomas Hinchy		1 50
Thomas Ryan		1 50

John McAllister	..	..	1 50
John Shaddy	..	..	1 50
Joseph McElwin	..	..	1 50
John McFadden	..	..	1 50
John McBarron	..	..	1 50
Hugh Connally	Rammer	..	1 12
Robert Asten	..	..	1 12
James Neson	..	..	1 12
Walter Hackett	..	..	1 12
Thomas Hays	..	..	1 12
Bryan O'Bryan	..	..	1 12
William Bayard	..	..	1 12
Thomas Kennedy	..	..	1 12
John Agnew	..	..	1 12
John Hamilton	..	..	1 12
Michael McLearn	..	..	1 12
Thomas Boyd	Laborer	..	1 00
Edward Flynn	..	..	1 00
Samuel McCoubry	..	..	1 00
Hugh Stenson	..	..	1 00
Wm. McDonald	..	..	1 00
James Miller	..	..	1 00
Michael McFenny	..	..	1 00
Cornelius Ryan	..	..	1 00
Patrick Hackett	..	..	1 00
Timothy Cannary	..	..	1 00
Patrick Sheehan	..	..	1 00

NAMES.	OFFICES.	BY WHOM APPOINTED.	COMPENSATION.	
			Per diem.	Annual.
John Hogan	Laborer	Superin't. of Pavements.	\$ 1	
James Twaddle	1	
Alexander Neely	1	
Alexander Twaddle	1	
James Dunkin	1	
Charles B. Smith	1	
John McClury	1	
Bryan Brady	1	
James Hammel	1	
James Irwin	1	
John Shay	1	
William Martin	1	
James Dodds	1	
Hamilton Ratclif	1	
John Rugan	1	
Patrick McNally	Cartman	..	2	
John Fitzsimmons	2	
John McManagan	2	
Michael McGough	2	
Peter McMahan	2	
John Donaldson	2	
David Gould	2	
Michael Hogan	2	
James Leaper	2	
James Collins	2	

Bryan Collins	..	..	2
Thomas Faulkner	..	..	2
Henry Madara	"	..	1
J. Rayon	Truck Driver	..	1
George Sloan	Helper	..	75
B. P. Ward	Ostler	..	1 50
Luther Tibets	Overseeing prisoners cutting granite	..	1 50
Isaac Cornell	..	..	1
James Kelly	..	..	1
William Curr	Cleaning Culverts	..	1
Munson Force	..	..	2
Benjamin Force	Superintendent of Lands and Places	Com. P. Lands & Places	1 50
Henry Bridgeman	Keeper Union Place	Supt. "	1 50
John Richards	Public Lands and Places	..	1 50
Andrew Hunter	..	..	1 50
James Brinnan	..	..	1 50
William Seringer	..	..	1 50
James McKeehmie	..	..	1 50
Joseph Thompson	..	..	1 50
Joseph Beddoch	..	..	1 50
Peter Lowrie	..	..	1 50
William Shaw	..	..	1 50
Francis Cordwan	..	..	1 50
George Britton	..	..	1 50
Francis Narsmith	..	..	1 50
Alexander Ray	..	..	1 50
George Cummings	..	..	1 50

Superintendent of Streets' Office.

NAMES.	OFFICES.	BY WHOM ELECTED.	COMPENSATION.	
			Per diem.	Annual.
Jefferson Berrian	Superintendent of Streets	Common Council		\$1,500 00
Loring D. Chapin	Clerk in office of do.	..		500 00
Joseph L. Kellum	Street Inspector, 1st ward	..	\$2 50	912 50
Peter Lossee	Private Cartmen	..	2	when employed.
P. P. Roome	..	..	2	
Michael Keeler	..	..	2	
Cornelius Collins	..	..	2	
John Downly	..	..	2	
William Brickley	..	..	2	
Michael Lester	..	..	2	
Daniel Gilmarin	..	..	2	
Henry Hart	..	..	2	
Barry Conway	..	..	2	
Daniel McLaughlin	..	..	2	
Philip McMahon	..	..	2	
Thomas Foly	..	..	2	
John Blee	Street Sweeper	..	1	
John Cottinger	..	Street Inspector	1	
Patrick Martin	..	..	1	
Michael Smith	..	..	1	
George Drinkhouse	..	..	1	
Daniel Conner	..	..	1	

NAMES.	OFFICES.	BY WHOM ELECTED.	COMPENSATION.	
			Per diem.	Annual. when employed.
James Clide	Private Cartman	Common Council	2	
Charles Mitchell	Street Sweeper	Street Inspector	1	
John Snyder	1	
Philip Smith	1	
John Costold	1	
Mattis Peck	1	
Samuel Crosby	1	
Daniel Jacobs	1	
Christian Pelger	1	
Michael Wolf	1	
James Smalter	1	
Francis Spawn	1	
Jacob Maury	1	
Francis Sleigh	1	
Jacob Stifham	1	
William Johnson	1	
Charles Golber	1	
Olney Mitchel	1	
Neal Galiger	1	
Thomas Hall	1	
Benjamin Cook	1	
Bernard A. Mayereau	Street Inspector 3d ward	Common Council	2	\$912 50
John Boursouon	Private cartmen	..	50	when employed.
Daniel Donley	2	

NAMES.	OFFICES.	BY WHOM APPOINTED.	COMPENSATION.	
			Per diem.	Annual.
Benjamin Post	Private Cartman	Common Council.	2	
Thomas McMahon	2	
John McLaughlin	2	
John Herley	2	
Edward Newman	Street Sweeper	Street Inspector.	1	
Patrick Calliger	1	
Patrick Hennersey	1	
Thomas Ryan	1	
John Murphy	1	
Timothy O'Brian	1	
John Lynch	1	
Cornelius Lynch	1	
Daniel Calahan	1	
John Dadley	1	
William Durnirie	1	
Morris Haregan	1	
Paul Post	1	
Patrick Mahar	1	
James Gallagher	1	
Cornelius Callahan	1	
John Smith	1	
Robert Warms	1	
Charles M. Holmes	Street Inspector 5th ward	Common Council.	2	\$912 50
Edward Gallager	Private Cartman	..	2	00

Patrick Tucker	..	..	..	2
Michael McDermot	..	..	..	2
Peter Kiernan	..	..	..	2
John Kennedy	..	..	..	2
Ferdinan Rabel	..	..	..	2
John Austin	..	..	..	1
Robert Sutton	..	..	..	1
Patrick Mawn	..	..	..	1
Thomas Dwyer	..	..	..	1
George McCoon	..	..	..	1
George Lawsener	..	..	..	1
Michael Foster	..	..	..	1
John Charlton	..	..	..	1
John Smith	..	..	..	1
James Acklerlay	..	..	..	1
James Murray	..	..	..	1
Michael Cochran	..	..	..	1
Silas Beidle	..	..	..	1
John Foley	..	..	..	1
Murdock Gilmore	..	..	..	1
Michael Smith	..	..	..	1
John Grey	..	..	..	2
Michael Gilmartin	..	..	..	2
Barney Conway	..	..	..	2
Hugh McGuire	..	..	..	2
Daniel Rooney	..	..	..	2
Street Sweeper	..	..	..	50
Street Inspector	..	..	..	50
Common Council	..	..	..	912
Street Inspector 6th ward	..	..	..	50
Private Cartman	..	..	..	50

NAMES.	OFFICES.	BY WHOM APPOINTED.	COMPENSATION.	
			Per diem.	Annual.
Martin Waters	Private Cartman	Common Council	2	
Patrick Waters	2	
Owen Curreen	2	
Owen Mitchell	Street Sweeper	Street Inspector	1	
John Kelly	1	
Charles Watirs	1	
Patrick Burke	1	
Patrick McCabe	1	
John Kilduff	1	
John Foley	1	
Luckey Heenan	1	
John Menett	1	
Patrick Smith	1	
Patrick Gowen	1	
Benjamin McDermot	1	
P. Quinn	1	
Edward Lynch	1	
John Kelly	1	
John Quinn	1	
M. Brogan	1	
J. Shea	1	
John Williamson	Street Inspector 7th ward	Common Council	2	\$912 50
Patrick Clark	Private Cartman	..	2	
James McCann	2	

Thomas Ward	..	..	2	
Andrew Gallagher	..	..	2	
John Swift	..	..	2	
Patrick Christie	..	..	2	
William Powell	..	..	2	
John Baird	..	Street Sweeper	1	
Patrick O'Neil	..	..	1	
Timothy Chagan	..	..	1	
John Hartman	..	..	1	
Hugh Fitzpatrick	..	..	1	
Jacob Hoff	..	..	1	
Joseph Benion	..	..	1	
Samuel Price	..	..	1	
Daniel Wren	..	..	1	
John Gillen	..	..	1	
George Gold	..	..	1	
Peter Brosted	..	..	1	
John Farly	..	..	1	
Robert Williams	..	..	1	
William Dexter	..	..	1	
John Willis	..	..	1	
William Bright	..	..	1	
Ephraim Strong	..	..	1	
William Daily	..	..	1	
Benjamin Hayes	..	..	1	
A. Bleakly, jun.	..	..	2	
Street Inspector 8th ward	..	Common Council	50	\$912

NAMES.	OFFICES.	BY WHOM APPOINTED.	COMPENSATION.	
			Per diem	Annual.
William Willman	Private Cartman	Common Council	\$2	
William Brooks	2	
Thomas Brooks	2	
Abraham Vandusen	2	
William Hutchings	2	
Daniel Vanderhill	2	
William Nivin	2	
Henry Wanemaker	2	
Joseph Irvin	2	
William Waring	2	
Alexander Paul	2	
Abraham Hamner	2	
William Ellis	Street Sweeper	Street Inspector	1	
George Richardson	1	
Abraham Brodley	1	
Daniel Cash	1	
Patrick Riley	1	
Isaac Stillwell	1	
Hugh Kirkpatrick	1	
John Megres	1	
John Walters	1	
John Lopdeck	1	
Dennis Boyle	1	
Garrit Bright	1	

John Naylor	..	..	1	
William Geery	..	..	1	
William Robins	..	..	1	
James Sheridon	..	..	1	
Hugh Kelley	..	..	1	
Michael John	..	..	1	
Adam Powers	..	..	1	
Thompson Northrop	..	Common Council	2	50
George Greer	..	..	2	
Abraham Bartalf	..	..	2	
Charles Campbell	..	..	2	
John Springstien	..	..	2	
Jacob Moore	..	..	2	
Peter Traphagan	..	..	2	
Joseph Paterson	..	..	2	
Patrick McGlow	..	..	2	
Smith Ackerly	..	..	2	
Michael Coyle	..	..	2	
Patrick Carne	..	Street Inspector	1	
James Lyon	..	..	1	
Henry Waters	..	..	1	
Jacob Christie	..	..	1	
James Clark	..	..	1	
Richard Cawdry	..	..	1	
Peter Vanderborgart	..	..	1	
Henry Degroot	..	..	1	

NAMES.	OFFICES.	BY WHOM APPOINTED.	COMPENSATION.	
			Per diem.	Annual.
Joseph Degroot	Street Sweeper	Street Inspector	\$1	
Richard Hawley	1	
Abraham Nolk	1	
M. McLaughlin	1	
Peter Burgis	1	
Moses Trockligh	1	
Ellis Canady	1	
William Barger	1	
Caliph Frost	1	
David Vredinburg	1	
Abraham Garrison	1	
Charles Campbell	1	
Charles Baker	1	
William White	Street Inspector 10th Ward	Common Council	2	\$912 50
Francis Whitell	Private Cartman	..	50	
George M. Barritt	2	
Thomas Trumbull	2	
David Holmes	2	
John A. Gurley	2	
William Toole	2	
John B. Ewing	2	
Michael Peters	Street Sweeper	Street Inspector	1	
Joseph Petrie	1	
Lodowick Kensler	1	

Jacob Shaffer	..	..	1	
Jacob Carter	..	..	1	
Peter Saule	..	..	1	
John Boulfort	..	..	1	
Robert Dean	..	..	1	
John Morgan	..	..	1	
Christian Carpers	..	..	1	
Owen Cue	..	..	1	
James Neven	..	..	1	
Gordon Williams	..	..	1	
Peres Track	..	..	1	
Edmund Kidder	..	..	1	
Archibald McDonald	..	..	1	
Frederick Castine	..	Common Council	2	50
Frederick Hanager	..	..	2	\$912 50
Joseph E. Hatfield	..	..	2	
Townsend Seaman	..	..	2	
Samuel Hammell	..	..	2	
Daniel Devoe	..	..	2	
Joseph Marsh	..	Street Inspector	1	
Adam Miller	..	..	1	
Adam Brush	..	..	1	
Benjamin Durfee	..	..	1	
William Corvill	..	..	1	
Martin Greece	..	..	1	
Michael Clifford	..	..	1	
	Street Inspector			
	Street Sweeper			
	Private Cartman			
	Street Inspector 11th Ward			

NAMES.	OFFICES.	BY WHOM APPOINTED.	COMPENSATION.	
			Per diem	Annual
John Mc Gahan	Street Sweeper	Street Inspector	\$1	
Henry P. Wilcox	..	..	1	
William Bennett	..	..	1	
Patrick Martin	..	..	1	
Peter Randell	Street Inspector 12th Ward	Common Council	2 50	\$912 50
John Carr	Private Cartman	..	2	
John Guinn	..	..	2	
James McLaughlin	Street Sweeper	Street Inspector	1	
Abraham Pierce	Street Inspector 13th Ward	Common Council	2 50	912 50
John Gunder	Private Cartman	..	2	
Thunson Pepper	..	..	2	
Daniel Burroughs	..	..	2	
Whitman Hallock	..	..	2	
John Bedell	..	..	2	
John Baker	..	..	2	
James Littell	..	..	2	
John Black	Street Sweeper	Street Inspector	1	
Jacob Chovers	..	..	1	
John Moon	..	..	1	
Michael Hamell	..	..	1	
Jacob Buckhart	..	..	1	
Peter Stabets	..	..	1	
John Gunder	..	..	1	
Henry Sever	..	..	1	

NAMES.	OFFICES.	BY WHOM APPOINTED.	COMPENSATION.	
			Per diem	Annual.
Carmac Cox	Street Sweeper	Street Inspector	\$1	
John Bughart	1	
Samuel Hays	1	
Jacob Anstadt	1	
Patrick Black	1	
John Gilligan	1	
John Murray	1	
Philip Becannon	Street Inspector 15th Ward	Common Council	2	\$912 50
William Smith	Private Cartman	..	50	
Philip Vendica	2	
Thomas Montell	2	
James Youngs	2	
Samuel Youngs	2	
Charles McCauley	2	
Samuel Reynolds	2	
John Downs	2	
James Nicholson	2	
William Vantrice	Street Sweeper	Street Inspector	1	
Michael Powers	1	
Jacob Reaver	1	
James Bowman	1	
James Tapp	1	
Peter Claudy	1	
Peter Gansey	1	

NAMES.	OFFICES.	BY WHOM ELECTED.	COMPENSATION.	
			Per diem.	Annual.
Benjamin Hicks	Street inspector 17th Ward	Common Council	\$2 50	\$912 50
Henry Hutton	Private Cartman	.. ..	2	
Peter Pitch	2	
William Myre	2	
John Sumner	2	
Nathaniel Miller	2	
Benjamin Austin	2	
Peter Pierce	2	
Michael Donavan	2	
James Vanderbeck	Street Sweeper	Street Inspector	1	
Silas Decker	1	
David Vanderbeck	1	
James Fowler	1	
John Goodwin	1	
Michael Glancy	1	
William Robbins	1	
Francis Smith	1	
Joseph Culis	1	
John Sterling	1	
John Romaine	1	
John Barsher	1	
Jacob Clark	1	

A return of the number of men employed by the Superintendent of Roads, and the amount of their wages respectively, arranged in four squads as follows:

Elias C. Taylor, Overseer	.	.	.	.	\$1	62 $\frac{1}{2}$
Thomas Archer, with horse and cart	.	.	.	.	1	62 $\frac{1}{2}$
James Fracy,	do.	.	.	.	1	62 $\frac{1}{2}$
Joseph Hicks,	do.	.	.	.	1	62 $\frac{1}{2}$
Mathias Benedict,	do.	.	.	.	1	62 $\frac{1}{2}$
William Clinton,	do.	.	.	.	1	62 $\frac{1}{2}$
Charles Johnson,	do.	.	.	.	1	62 $\frac{1}{2}$
Annaiias Owens,	do.	.	.	.	1	62 $\frac{1}{2}$
George McAndrews,	do.	.	.	.	1	62 $\frac{1}{2}$
James McMenomy,	do.	.	.	.	1	62 $\frac{1}{2}$
William Lewis,	do.	.	.	.	1	62 $\frac{1}{2}$
John Elderred,	do.	.	.	.	1	62 $\frac{1}{2}$
Henry Hanson,	do.	.	.	.	1	62 $\frac{1}{2}$
Thomas Kehoe,	do.	.	.	.	1	62 $\frac{1}{2}$
Morgan Cloney,	do.	.	.	.	1	62 $\frac{1}{2}$
Peter Lestrangle,	do.	.	.	.	1	62 $\frac{1}{2}$
Jonathan Hardman, Laborer	.	.	.	.	0	87 $\frac{1}{2}$
Samuel Hays,	do.	.	.	.	0	87 $\frac{1}{2}$
John Sullivan,	do.	.	.	.	0	87 $\frac{1}{2}$
Patrick Lawlor,	do.	.	.	.	0	87 $\frac{1}{2}$
James Gary,	do.	.	.	.	0	87 $\frac{1}{2}$
Martin Murray,	do.	.	.	.	0	87 $\frac{1}{2}$
Darby McNamara,	do.	.	.	.	0	87 $\frac{1}{2}$
John Callahan,	do.	.	.	.	0	87 $\frac{1}{2}$
Michael Kenney,	do.	.	.	.	0	87 $\frac{1}{2}$
Benjamin King,	do.	.	.	.	0	87 $\frac{1}{2}$
Patrick Moore,	do.	.	.	.	0	87 $\frac{1}{2}$
Edward Goold,	do.	.	.	.	0	87 $\frac{1}{2}$
James Glasson,	do.	.	.	.	0	87 $\frac{1}{2}$
Patrick McNamara,	do.	.	.	.	0	87 $\frac{1}{2}$

Isaac Caryl, Jun. Overseer	.	.	.	\$1	62 $\frac{1}{2}$
James Mooke, with horse and cart	.	.	.	1	62 $\frac{1}{2}$
James Ryan, do.	.	.	.	1	62 $\frac{1}{2}$
Owen Cunningham, do.	.	.	.	1	62 $\frac{1}{2}$
William Smith, do.	.	.	.	1	62 $\frac{1}{2}$
Michael Conglin, do.	.	.	.	1	62 $\frac{1}{2}$
John Mason, do.	.	.	.	1	62 $\frac{1}{2}$
Robert Parker, do.	.	.	.	1	62 $\frac{1}{2}$
Timothy Slatterney, do.	.	.	.	1	62 $\frac{1}{2}$
John Graham, do.	.	.	.	1	62 $\frac{1}{2}$
Thomas Faulkner, do.	.	.	.	1	62 $\frac{1}{2}$
Edward Ellsey, do.	.	.	.	1	62 $\frac{1}{2}$
William Hanly, do.	.	.	.	1	62 $\frac{1}{2}$
Herbert Mason, do.	.	.	.	1	62 $\frac{1}{2}$
Arthur Mc Mahon, do.	.	.	.	1	62 $\frac{1}{2}$
George Armstrong, do.	.	.	.	1	62 $\frac{1}{2}$
Patrick Hase, do.	.	.	.	1	62 $\frac{1}{2}$
Thomas McGuire, do.	.	.	.	1	62 $\frac{1}{2}$
John Kingsmill, do.	.	.	.	1	62 $\frac{1}{2}$
Nathaniel Russell, Laborer	.	.	.	0	87 $\frac{1}{2}$
Michael Collyer, do.	.	.	.	0	87 $\frac{1}{2}$
Daniel Mc Carthy, do.	.	.	.	0	87 $\frac{1}{2}$
Michael Mc Gwire, do.	.	.	.	0	87 $\frac{1}{2}$
Michael Collins, do.	.	.	.	0	87 $\frac{1}{2}$
Daniel Carroll, do.	.	.	.	0	87 $\frac{1}{2}$
James Croley, do.	.	.	.	0	87 $\frac{1}{2}$
Richard Griffeth, do.	.	.	.	0	87 $\frac{1}{2}$
Michael Berry, do.	.	.	.	0	87 $\frac{1}{2}$
John Martin, do.	.	.	.	0	87 $\frac{1}{2}$
James O'Brian, do.	.	.	.	0	87 $\frac{1}{2}$
John Mc Donald, do.	.	.	.	0	87 $\frac{1}{2}$
Thomas Shepherd, do.	.	.	.	0	87 $\frac{1}{2}$
James Slavin, do.	.	.	.	0	87 $\frac{1}{2}$
Timothy Slatterny, jun. do.	.	.	.	0	87 $\frac{1}{2}$
Michael Sullivan, do.	.	.	.	0	87 $\frac{1}{2}$
Francis Dillings, do.	.	.	.	0	87 $\frac{1}{2}$

Edward Mc Grand, Laborer	.	.	.	80	87 $\frac{1}{2}$
Dennis McCarthy, do.	.	.	.	0	87 $\frac{1}{2}$
Peter Bigter, do.	.	.	.	0	87 $\frac{1}{2}$
William Booth, do.	.	.	.	0	87 $\frac{1}{2}$
Daniel Daley, do.	.	.	.	0	87 $\frac{1}{2}$
Jeremiah Shean, do.	.	.	.	0	87 $\frac{1}{2}$
John Brady, do.	.	.	.	0	87 $\frac{1}{2}$
Robert Berry, do.	.	.	.	0	87 $\frac{1}{2}$
Dennis O'Brian, do.	.	.	.	0	87 $\frac{3}{4}$
Richard Corsey, do.	.	.	.	0	87 $\frac{1}{2}$
John Stapleton, do.	.	.	.	0	87 $\frac{1}{2}$
Jerry Desmond, do.	.	.	.	0	87 $\frac{1}{2}$
Cornelius Allen, do.	.	.	.	0	87 $\frac{1}{2}$
John Mc Giff, do.	.	.	.	0	87 $\frac{1}{2}$
William Crowley, do.	.	.	.	0	87 $\frac{1}{2}$
William Mc Clinchey, do.	.	.	.	0	87 $\frac{1}{4}$
Dennis Shay, do.	.	.	.	0	87 $\frac{1}{2}$
James Stanton, do.	.	.	.	0	87 $\frac{1}{2}$
William Leach, do.	.	.	.	0	86 $\frac{1}{2}$
John Callahan, do.	.	.	.	0	87 $\frac{1}{2}$
George Mooke, do.	.	.	.	0	87 $\frac{1}{2}$
<hr/>					
Peter Masterson, Overseer	.	.	.	1	62 $\frac{1}{2}$
James Riley, with horse and cart	.	.	.	1	62 $\frac{1}{2}$
Patrick Farally do.	.	.	.	1	62 $\frac{1}{2}$
Philip McGuire do.	.	.	.	1	62 $\frac{1}{2}$
John Brady do.	.	.	.	1	62 $\frac{1}{2}$
James Brennan do.	.	.	.	1	62 $\frac{1}{2}$
Hugh Masterson do.	.	.	.	1	62 $\frac{1}{2}$
John Slaterny do.	.	.	.	1	62 $\frac{1}{2}$
William Love do.	.	.	.	1	62 $\frac{1}{2}$
Patrick Riley do.	.	.	.	1	62 $\frac{1}{2}$
Hugh Bradley do.	.	.	.	1	62 $\frac{1}{2}$
John Davenport do.	.	.	.	1	62 $\frac{1}{2}$
Hugh Logan do.	.	.	.	1	62 $\frac{1}{2}$
John Fisher do.	.	.	.	1	62 $\frac{1}{2}$

Patrick Logan, with horse and cart	.	.	.	\$1	62 $\frac{1}{2}$
Patrick Brennan do.	.	.	.	1	62 $\frac{1}{2}$
Patrick McDonald do.	.	.	.	1	62 $\frac{1}{2}$
Patrick McDermot do.	.	.	.	1	62 $\frac{1}{2}$
William McLaughlin do.	.	.	.	1	62 $\frac{1}{2}$
James Masterson do.	.	.	.	1	62 $\frac{1}{2}$
James McGuire, Laborer	.	.	.	0	87 $\frac{1}{2}$
Thomas Harron do.	.	.	.	0	87 $\frac{1}{2}$
Francis Murtaugh do.	.	.	.	0	87 $\frac{1}{2}$
William Patten do.	.	.	.	0	87 $\frac{1}{2}$
James Quin do.	.	.	.	0	87 $\frac{1}{2}$
William Garvey do.	.	.	.	0	87 $\frac{1}{2}$
William Cotter do.	.	.	.	0	87 $\frac{1}{2}$
Thomas Murphy do.	.	.	.	0	87 $\frac{1}{2}$
John Morrigan do.	.	.	.	0	87 $\frac{1}{2}$
William Huld do.	.	.	.	0	87 $\frac{1}{2}$
John Kennedy do.	.	.	.	0	87 $\frac{1}{2}$
John Briggs do.	.	.	.	0	87 $\frac{1}{2}$
John Masterson do.	.	.	.	0	87 $\frac{1}{2}$
Timothy Sullivan do.	.	.	.	0	87 $\frac{1}{2}$
John Smith do.	.	.	.	0	87 $\frac{1}{2}$
James O'Brian do.	.	.	.	0	87 $\frac{1}{2}$
John Mulloy do.	.	.	.	0	87 $\frac{1}{2}$
Anthony Sheridan do.	.	.	.	0	87 $\frac{1}{2}$
<hr/>					
William H. Oakley, Overseer	.	.	.	1	62 $\frac{1}{2}$
Charles Johnson, horse and cart	.	.	.	1	62 $\frac{1}{2}$
William Smith do.	.	.	.	1	62 $\frac{1}{2}$
Michael Grady do.	.	.	.	1	62 $\frac{1}{2}$
Daniel H. Reed do.	.	.	.	1	62 $\frac{1}{2}$
George Gibson do.	.	.	.	1	62 $\frac{1}{2}$
Joseph Rin do.	.	.	.	1	62 $\frac{1}{2}$
John Elderred do.	.	.	.	1	62 $\frac{1}{2}$
Martin Gallawgher do.	.	.	.	1	62 $\frac{1}{2}$
John Campbell do.	.	.	.	1	62 $\frac{1}{2}$
James Grey do.	.	.	.	1	62 $\frac{1}{2}$

H. J Brown, horse and cart	.	.	.	\$1	62 $\frac{1}{2}$
Joseph Baird, Laborer	.	.	.	0	87 $\frac{1}{2}$
Patrick Gallagher do.	.	.	.	0	87 $\frac{1}{2}$
Terrence McGuire do.	.	.	.	0	87 $\frac{1}{2}$
Andrew Doyle do.	.	.	.	0	87 $\frac{1}{2}$
Michael Holloran do.	.	.	.	0	87 $\frac{1}{2}$
Richard Burke do.	.	.	.	0	87 $\frac{1}{2}$
Michael Campbell do.	.	.	.	0	87 $\frac{1}{2}$
Henry Smith do.	.	.	.	0	87 $\frac{1}{2}$
Patrick Roach do.	.	.	.	0	87 $\frac{1}{2}$
Hugh Hogan do.	.	.	.	0	87 $\frac{1}{2}$
William Sadler do.	.	.	.	0	87 $\frac{1}{2}$
Charles Johnson, building a culvert in 8th avenue				1	25

List of Officers, Clerks, &c. employed at Alms House, Bridewell & Penitentiary.
BELLEVUE ALMS HOUSE AND HOSPITAL.

NAMES.	HOW EMPLOYED.	SALARY.	HOW APPOINTED.
Linus W. Stevens	Superintendent	\$1,500 00	Common Council
Henry Tappan	Chaplain	600 00	Commissioners of Alms House
William Palmer	Clerk at Bellevue	750 00	..
Peter Reynolds	Assistant Clerk at Bellevue	300 00	..
Eliza Hegaman	Matron	200 00	..
Eliza Heaton	Assistant Matron	100 00	..
Jane King	Nurse Lying-in ward	100 00	..
Albert Vedder	Steward	500 00	..
Henry Sloan	Assistant Steward	400 00	..
Peter Reed	Farmer	12 00	..
John F. Raymond	Superintendent Shoe Shop, &c.	700 00	..
Andrew Henderson	Superintendent Cloth Factory	450 00	..
Charles Bannan	Superintendent Carpenter and Blacksmith	640 00	..
Theron R. Bennet	Master Baker	416 00	..
HOSPITAL.			
William Wilson	Resident Physician	1,500 00	Common Council
Asa W. Welden	Steward	400 00	Commissioners of Alms House
Mary S. Dunham	Matron	200 00	..
W. C. S. Gwinness	Apothecary	200 00	..
Richard O. Dwyer	Assistant at Lunatic Hall	75 00	..
Catherine McGarr	Nurse at do.	50 00	..

PENITENTIARY, BLACKWELL'S ISLAND.

		1,000 00	Common Council	
Jeremiah Vanderbilt	Keeper	500 00	Commissioners of Alms House	..
Nicholas Morrell	Physician	800 00	..	..
Hezekiah Brainard	Quarry Master and Keeper	400 00	..	..
Moses C. Palmer	Carpenter and Keeper	400 00	..	..
Lewis S. Steele	Shoemaker and Keeper	400 00	..	..
Abraham Drummond	Blacksmith and Keeper	600 00	..	..
Joseph Keen	Deputy Keeper	300 00	..	..
James Burrill	..	300 00	..	..
Ira Looker	..	300 00	..	..
James Galliker	..	300 00	..	..
Elijah Blakeman	..	300 00	..	..
C. B. Reed	Keeper and Guard	300 00	..	..
William B. Galliker	..	300 00	..	..
William Rockwell	..	300 00	..	..
S. Lambkin	..	300 00	..	..
Daniel Edwards	Guard	300 00	..	..
Z. Brainard	..	300 00	..	..
William M'Neagh	..	300 00	..	..
Courad Shushager	..	300 00	..	..
Z. Burrill	..	300 00	..	..
Martha Keen	Matron Middle House	100 00	..	..
Jane Fisher	Matron Female Penitentiary	100 00	..	..
Frederick Raymond	Coxswain	200 00	..	..
William B. Galliker	Night Watch	50	..	..
				per night

PENITENTIARY BLACKWELL'S ISLAND.

NAMES.	HOW EMPLOYED.	SALARY.		HOW APPOINTED.
		\$		
James Burrill	Night Watch	per night	50	Commissioners of Alms House
M. C. Palmer	..	"	50	..
Ira Looker	..	"	50	..
Hezekiah Brainard	..	"	50	..
James Galliker	..	"	50	..
William Rockwell	..	"	50	..
S. Lampkin	..	"	50	..
Daniel Edwards	..	"	50	..
Z. Brainard	..	"	50	..
William Kniffen	..	"	50	..
BRIDEWELL.				
James Coggeshall	Keeper		1,000 00	Common Council
Patrick McArdle	Deputy Keeper		500 00	Commissioners of Alms House
W. H. Franklin	..		500 00	..
W. S. Clark	Do. Upper Police		500 00	..
John Grey	Do. Lower Police		750 00	..
John R. Black	Do. do.	per day	1 50	..
Daniel Brooks	House Detention, Harlaem		400 00	..

LONG ISLAND FARMS AND NURSERIES.

Martin Raplye	Farmer	500 00	..	..
William H. Guest	Superintendent Nurseries	250 00	..	..
Jane Ley	Matron of do.	200 00	..	..
Eliza Rapelye	Dairy woman	100 00	..	..
Mary Strong	Nurse at Hospital	48 00	..	..
OLD ALMS HOUSE.				
Robert F. Winslow	Agent of Commissioners	1,000 00	..	..
Mrs. C. Winslow	Matron	100 00	..	..
Benjamin Crane	Clerk	700 00	..	..
E. S. Voorhies	Visitor	912 50	..	..
Samuel B. Warner	Assistant Visitor	730 00	..	..
Joshua D. Brown	Hearse Driver	730 00	..	..
Thomas Cavanagh	Assistant Hearse Driver	150 00	..	..
William Bell	Driver of Prison Coach	547 50	..	..
Alice Frazier	Cook	120 00	..	..
Elizabeth Duffy	Cook	72 00	..	..

CITY WATCH.

NAMES.	OFFICES.	BY WHOM APPOINTED.	COMPENSATION.
FIRST DISTRICT.			
William A. Haydock	Captain	Common Council	\$2 50 per night.
Henry Purden	Assistant Captain	..	2 00 ..
Isaac H. Brown	..	..	2 00 ..
Seventy men	..	Mayor	1 25 ..
William C. Scott	Captain	Common Council	2 50 ..
John S. Pollard	Assistant Captain	..	2 00 ..
James Mackrell	..	..	2 00 ..
Seventy men	..	Mayor	1 25 ..
SECOND DISTRICT.			
Jonathan Knapp	Captain	Common Council	2 50 ..
Philip M. Sayer	Assistant Captain	..	2 00 ..
James Tyler	..	..	2 00 ..
Seventy-four men	..	Mayor	1 25 ..
Nicholas Cowenhoven	Captain	Common Council	2 50 ..
James R. Terry	Assistant Captain	..	2 00 ..
Caleb Webb	..	..	2 00 ..
Seventy-four men	..	Mayor	1 25 ..

THIRD DISTRICT.

Zenos Wheeler
 Josiah Dodge
 Joseph R. Devoe
 Eighty-two men
 Isaac B. Batchellor
 Isaac W. Crane
 Joseph C. Forbes
 Eighty-two men

FOURTH DISTRICT.

Nathaniel Hepburn
 Andrew Van Blarcom
 Andrew Sinclair
 Seventy men
 John Demarest
 Charles R. Southerland
 Peter Van Inderstein
 Seventy men

FIFTH DISTRICT.

Jacob B. Clark
 Jonas Cheshire
 Simon Wood
 Sixty-eight men

Captain	Common Council	2 50	..
Assistant Captain	..	2 00	..
..	..	2 00	..
..	Mayor	1 25	..
Captain	Common Council	2 50	..
Assistant Captain	..	2 00	..
..	..	2 00	..
..	Mayor	1 25	..
Captain	Common Council	2 50	..
Assistant Captain	..	2 00	..
..	..	2 00	..
..	Mayor	1 25	..
Captain	Common Council	2 50	..
Assistant Captain	..	2 00	..
..	..	2 00	..
..	Mayor	1 25	..
Captain	Common Council	2 50	..
Assistant Captain	..	2 00	..
..	..	2 00	..
..	Mayor	1 25	..
Captain	Common Council	2 50	..
Assistant Captain	..	2 00	..
..	..	2 00	..
..	Mayor	1 25	..

NAMES.	OFFICES.	BY WHOM APPOINTED.	COMPENSATION.
FIFTH DISTRICT.			
Joseph Gale	Captain	Common Council	2 50 per night.
J. E. Woolley	Assistant Captain	..	2 00 ..
Charles Leach	..	..	2 00 ..
Sixty-eight men	..	Mayor	1 25 ..
SIXTH DISTRICT.			
Harman Teel	Captain	Common Council	2 50 ..
Thomas Fenton	Assistant Captain	..	2 00 ..
George Godwin	..	..	2 00 ..
One hundred men	..	Mayor	1 25 ..
W. Van Benthuyssen	Captain	Common Council	2 50 ..
Ward Pringle	Assistant Captain	..	2 00 ..
Samuel W. Sloan	..	..	2 00 ..
One hundred men	..	Mayor	1 25 ..

There are one hundred Marshals employed, who receive compensation according to the time employed in the public service, and which is regulated by an Ordinance of the Common Council.

DOCUMENT NO. 9.

BOARD OF ALDERMEN,

JULY 16, 1838.

Report of the Street Committee, in favor of extending the limits prohibiting the paving of the sidewalks with brick. Laid on the table.

THOMAS BOLTON, *Clerk.*

Resolved, That it be referred to the Law Committee to report an Ordinance to amend sec. 3, of title 6, of the Ordinance creating the Street Commissioner's Department, so as to extend the prohibition of paving the sidewalks with brick to 9th street, and from the 2d to the 6th avenue.

The Street Committee, to whom was referred the annexed resolution "to report an ordinance to amend sec. 3, of title 6,

of the Ordinance creating the Street Commissioner's Department, so as to extend the prohibition of paving the sidewalks with brick to 9th street, from the 2d to the 6th avenue," respectfully.

REPORT:

That they have given to this subject their consideration, and that they recommend that the limits embraced by said section be extended as proposed by the resolution. The district proposed to be included is improved and, in most cases, densely built upon; which, in the opinion of the Committee, fully warrants, and renders expedient and proper, the laying of the sidewalks with materials of a permanent character. The Committee propose to amend the 3d section, by striking out from the 3d and 4th lines the words, "Delancey and Spring streets, including said streets," and inserting therein the words, "a line commencing at the intersection of Clarkson and West streets, and running through Clarkson and Carmine streets and the 6th avenue, to 9th street; through 9th street to the 2d avenue, through the 2d avenue to Houston street, and through Houston street to Lewis street, and through Lewis street to Delancey street, and through Delancey street to the East River, including said streets and avenues, so that the section will read as follows:

Sec. 3. All private cartways, crossing any of the sidewalks of the City of New York, and all sidewalks whatever, to the south of the streets enumerated in the last section, including said streets and avenues, shall be paved with brown or grey square or oblong flat stones, laid closely together; and not with round or paving stones, or brick, under the penalty of ten dollars, upon the owner and occupant of the lot in front of which such cartway or sidewalk shall be, severally and respectively.

C. DE FOREST,
NEHEMIAH WATERBURY,
THOMAS LAWRENCE.





DOCUMENT NO. 10.

BOARD OF ALDERMEN,

JULY 30, 1838.

The Committee on Assessments, to whom had been presented the Assessment List from the Commissioners for constructing a sewer in 20th street, presented the following report, which was laid on the table and ordered to be printed for the use of the members.

THOMAS BOLTON, Clerk.

The Committee on Assessments, to whom was referred the assessment list for building sewers in 20th street, between 6th avenue and the Hudson River, and the remonstrances against the confirmation of the same, respectfully

REPORT:

That a resolution passed the Common Council in October, 1836, to build the portion of the sewer between the 8th avenue and the Hudson River, upon the petition of a portion of the owners and occupants of lots on 20th street, between said ave-

nue and river, setting forth that the ground was wet, and praying that a sewer might be constructed to relieve their cellars from the water then in them, and their houses from the consequent dampness attendant from the state of their cellars, and that said sewer was soon after put under contract and finished in July, 1837, the cost of which was \$18,179 54, and the assessment was subsequently made and presented to this Board for confirmation. At, or about this time, a resolution passed the Common Council to continue the sewer to 6th avenue; the confirmation of the assessment for the sewer, so far as made at that time, was objected to by owners of property, between the 7th and 8th avenues, apprehending that they might be unfairly charged if included in the two assessments, and desired that the same might be delayed until the sewer should be extended and completed, that the whole might be included in one assessment.

The assessment list was accordingly referred back to the Assessors for that purpose; the continuation of the sewer has since been completed, costing \$14,162 09, making together, with the amount as before named for the other portion of the sewer, the sum of \$32,341 63, being the whole cost of the sewer for which the present assessment has been levied.

The objections of the remonstrants to the confirmation of the assessment, as presented by the Assessors, being very numerous, your Committee, in justice to the parties who consider themselves aggrieved, will present those which they deem to have the greatest claim to the consideration of this Board, and endeavor to answer the same, in accordance with that justice which the importance of the case demands.

It is contended by the owners of property on 20th street, between the 8th avenue and the Hudson River, (some of whom state that they did not petition for the sewer,) that it was not required for their property; they admit that there was water in their cellars for a short time, but that it was occasioned by the wet character of the ground, east of 7th avenue, which they contend derived the whole benefit of the sewer.

That if the sewer was necessary for their property, at the time it was petitioned for, such necessity was obviated by the private sewer constructed in 22d street, and that this fact having been discovered at or about this time, caused the sewers directed to be built in 18th and 19th streets to be abandoned, and that the sewer in 20th street would have been given up, but for the necessity of accommodating the owners of the wet ground east of the 7th avenue, for whose exclusive benefit, and at whose instance the sewer east of the 8th avenue had been built, and that they were influenced from opposing the passage of the ordinance for building the sewer, from considerations held out to them by those owners, that they would bear the expenses.

The Finance Committee of the General Theological Seminary of the Protestant Episcopal Church in the United States, state that the block of ground, between 9th and 10th avenues, on which their seminary buildings are situated, is consecrated to that particular use, and cannot be otherwise appropriated without incurring a forfeiture; that said block is in no way benefited by the sewer, but injured, by causing them the expense of deepening their wells, with various other objections, for which the Committee refer you to their document.

It is contended by owners of property, between the 7th and 8th avenues, that their ground was dry and sandy, and that the sewer was a detriment rather than beneficial to them, and that they should be allowed damages in lieu of being assessed; and others of the remonstrants contend, that if they are assessed, the property in 21st, 18th and 19th streets, should also be assessed.

The Committee have devoted much labor to this subject, and endeavored to ascertain all the facts in relation to the same, and from a full examination of the documents connected therewith, they are satisfied that the remonstrants are in error in some of their statements, and ignorant in others of the ability of this Common Council to render them redress in this apparent grievous assessment. It does not appear that the owners of

ground east of the 7th avenue, ever petitioned for the sewer west of the 8th avenue, or that the same was intended or designed for their use when constructed, but it was asked for by proprietors of ground when the sewer was proposed to be made, and for their accommodation, although it has proved advantageous to property east of 7th avenue, for which advantage they have been assessed. The Committee have conferred with the Assessors, and have learned from them that the ground at a point a little east of 9th avenue, to the Hudson River, was wet at a certain depth below the regulation; that from about midway, between the 8th and 9th avenues, to within about 100 feet of the 7th avenue, the ground was dry, a portion near the 7th avenue being rock; that the ground east of the 7th avenue is wet a few feet below the surface.

The assessment covers a large extent of ground, and embraces all the property whose surface water is carried off by the sewer, as shewn by the accompanying maps, and is made on the principle of relieving the dry ground from the principal expense of constructing the sewer through it, and putting it upon the wet ground, east of the 7th avenue, for whose benefit the portion between the 7th and 8th avenue was mainly constructed; no other cause existing for a sewer to the property between the 7th and 8th avenues, than its necessity to carry off the surface water, also to relieve the partially wet ground between the 8th avenue and the Hudson River, of a portion of the expense of constructing the sewer, and placing it, as in the other case, on the property east of 7th avenue. The cost of the sewer between the 8th avenue and the River, is about \$18,000, of which sum upwards of \$7,000 has been assessed upon property east of 7th avenue. The cost of the portion between 7th and 8th avenues, is about \$8,000, of which sum upwards of \$6,000 has been charged east of the 7th avenue; the cost of the portion of the sewer between the 6th and 7th avenues, is about \$5,000, which sum is charged upon the lots fronting thereon, together with a proportion of the \$14,000 taken from the other sections, the balance of this last amount being assessed as before stated.

The average amount assessed on lots between the 9th avenue and river is \$80 25 each lot; near the 9th avenue and east of it, where the ground was not so wet, \$45 86 each lot, thence easterly to the 8th avenue \$22 93 to \$35 00 each lot; between the 7th and 8th avenues, dry ground, about \$15 each lot, and between 6th and 7th avenues, wet ground, about \$125 on each lot; and on all lots east of the 7th avenue, not fronting on any sewer, and requiring sewers yet to be made at their own expense, about \$17 50 each lot.

It is therefore apparent that the property lying between the 9th avenue and Hudson River, has been relieved from the payment of about \$7,000, by constructing the sewer from 6th to 8th avenues, the greater part of which they must have paid, had not the sewer been continued. The Committee, after a full examination of the subject, are of opinion, that no further reduction can be made in the assessment west of the 7th avenue; and that it is inexpedient, and would be improper to extend the assessment to streets whose water does not empty into the sewer, although they may be somewhat benefited by the construction of said sewer for the present, from the supposition that it has drained their cellars; yet it is believed that the same causes which existed and induced the construction of the sewer in 20th street, will ere long make it necessary to construct one or more in the streets adjacent, and running parallel with 20th street.

The sewer in 20th street has not the capacity to carry off but a very small proportion of the surface water from the lots now assessed for its construction, when they shall have been built upon; and it must be borne in mind that the property east of the 7th avenue will have to pay for sewers in front of them, and also a large proportion of the cost of those made through dry ground to conduct the water to the river.

From the best information the Committee could obtain, they are of opinion that sewers will be necessary in almost every street adjacent to 20th street, to carry off the surface water. The flat grade and great extent or distance from the 5th avenue to the Hudson River, will cause an overflow of the side-

walks when those streets shall have been built up and paved, which induced them to believe it just that the owners of property between the 7th and 8th avenues, in 20th street, (where the ground is dry,) should be assessed what they are assessed for this benefit.

The Committee cannot find any law by which to relieve the property of the Protestant Episcopal Seminary from their proportion of the assessment, although they believe that property (as occupied at present) is not directly benefited; but that they are indirectly benefited by said sewer in the character of the neighborhood; as it must be admitted, that if the ground was in the wet condition set forth by those who petitioned for the construction of the sewer; if said sewer had not been made, the property would have been occupied by a different class of citizens, and consequently very much depreciated in value.

The Committee can therefore come to no other conclusion than to recommend the confirmation of the assessment as made by the Assessors and hereunto annexed, and ask leave to offer the following resolution for your consideration:

Resolved, That the amounts assessed on property owned and occupied by sundry individuals, (as per the annexed assessment list made by Jacob S. Baker, James Morris and Elisha Williams, Commissioners,) for constructing the sewer in 20th street, between the 6th avenue and the Hudson River, be and the same is hereby confirmed.

THOMAS G. TALMAGE,
EDWARD TAYLOR,
THOMAS LAWRENCE.





DOCUMENT NO. 11.

BOARD OF ALDERMEN,

JULY 30, 1838.

The Committee on Laws, to whom had been referred the memorial of sundry Electors of the 14th ward, respecting the Charter Election, presented the following report, together with the annexed report of the Minority Committee on the same subject, which were laid on the table and directed to be printed for the use of the members.

THOMAS BOLTON, Clerk.

The Select Committee, to whom was referred the memorial of sundry electors of the 14th ward, respectfully

R E P O R T :

That upon entering upon the discharge of the duties devolving upon them, they resolved that the proceedings before them should be open to the members of both Boards ; to the late Inspectors of Election of the 14th Ward ; to Samuel Nichols

the opposing candidate; to the sitting members, and to such three persons to be chosen by each, as they might name as Counsel.

That they have been attended by all the parties and have heard the testimony offered by them as well as the arguments of counsel at great length. At the opening of the proof the counsel for the memorialists offered Mr. Hasbrouck to prove that illegal votes, to the number of twenty-five, had been given for the sitting member; which was objected to, and decided unanimously by the Committee to be inadmissible.

The enquiry was made by the Committee whether the testimony taken before a Committee of the Board of Assistant Aldermen, which had been printed, or some part of it, might not be agreed upon so as to be considered evidence on this investigation; when it was agreed that the whole of the testimony should be considered as before this Committee, subject to the following correction, and conditions—That page 65, line 10, should read “the ballots fell short of the poll lists,” and page 66 line 7, read “Townsend for Taylor,” and that the testimony should be open to explanation, and additional evidence might be received. 3d. The counsel for the memorialists then stated that the witnesses duly notified did not appear and requested an adjournment, in order that they might procure the attendance of such witnesses. The Committee consenting, they adjourned until Thursday, June 7, at 4 o'clock, P. M.

THURSDAY, JUNE 7, 1838.

The Committee met pursuant to adjournment, present, all the members of the Committee.

John Salmon was then sworn on the part of the memorialists.—I was a witness and examined before the Committee of the Board of Assistants. I was present at the canvass of the tickets at the late charter election of the 14th ward, there were 2470 tickets on the unopened count. I ascertained the number from my own tally. The unopened regular tickets were count-

ed but once. I saw tickets with the name of the Alderman erased, no name substituted, I think five or six. There was one with the name of Nichols erased, and at least three with the name of Taylor erased. No name substituted. Noticed no mistake in counting the regular Taylor ticket. I am a close observer, and if there had been any, I think I should have seen it (a question was then asked on the part of the memorialists in relation to the Mayor box, which was ruled by a majority of the Committee to be irrelevant).

Henry Abel, sworn on the part of the memorialists.—I was a witness before the Committee of the Board of Assistants. I was present at the canvass in question. I believe the ballot box was carefully examined before it was opened. The ballots were counted and examined by two of the Inspectors. They were made into bundles of ten, and after examination were twisted and thrown into a box; they were not counted the second time. I saw tickets with the name of the Alderman erased, I think three, four or five. I remember one, where the name erased had no other substitute. I have not a distinct recollection with regard to the rest. I was present at the count of the regular Taylor ticket, and saw no mistake, but am not a very close observer. The canvass was I think too rapid. It began at 4 o'clock P. M. and closed early in the evening. Don't remember the hour, it was after candle-light. I was told the whole number of split tickets was 133, and believe it to be true, both the clerks assisted. They opened and read the tickets, and one of them handed the tickets to Mr. Doolittle, one of the Inspectors, who put them on the wire. I presumed they were the clerks; one of them placed the tickets on the wires himself. The Inspectors commenced with counting the regular Taylor and Bunting tickets. Mr. Suydam took them from the wires to count, then handed them to Mr. Townsend who put them in a box. The process of counting was rapid, they were counted by tens. But the counting was not so rapid but that the ballots might have been all seen and read. I have never served as an Inspector. I staid until probably eight or nine, until Mr.

Suydam gave the count. The room was much crowded. The Taylor ticket might have been counted over.

William Stokely, sworn on the part of the memorialists.— I was a witness before the Committee of the Board of Assistants. I saw the Inspectors of the late Charter Election of the 14th ward refuse the votes of persons who stated that they were citizens in their fathers' right. It was on the first day of the election. The first who offered himself was asked by Mr. Suydam, one of the Inspectors, if he was a citizen, he replied he was; his father having been naturalized when he was a minor. Mr. Suydam then produced a paper which he said he had been at some trouble to obtain; that it had been furnished to him by Mr. Blunt, and was extracts from the law on the subject of naturalization, with the opinion of Mr. Blunt thereon. That Mr. Suydam stated to the voter, that all persons, not native born citizens, must declare their intentions. The applicant then offered to swear his vote in. Mr. Suydam stated that he was not a voter, and that his vote could not be received. I believe he was prepared to vote the Nichols ticket, and saw the ticket, which was easily distinguished from the opposite ticket. Saw both tickets in the voter's hand. I have no hesitation in swearing as to the Mayor's ticket being the Democratic ticket.

I do not know the name of the voter. The next person was by profession a mason. I do not know his name. On presenting his ballots, Mr. Suydam explained the qualifications of a naturalized citizen from the paper, as before. The voter stated, that he came with his father, before he was twenty-one; that his father had been naturalized over a year. and while he was a minor. The voter remarked, if you think I am not entitled to vote I won't vote. Mr. Suydam replied, if you want the oath you can take it, but I think you are not a voter. He did not vote. I think he had the Democratic ticket, headed Nichols. I judged from the appearance of the ticket. The third person presented himself just before the close of the poll, on the first day. His vote was challenged. He stated that he had been a voter for two or three years; that he had taken out

no papers, but voted in the right of his father. The paper, as before, was read to him; he appeared to be shaken by it, and yielded to the opinion expressed in said paper. He did not vote. He had the tickets, as before named. Mr. Suydam expounded the law. The opinion, which he said he received from Mr. Blunt, was of the size of a sheet of paper. It was said to be the naturalization law. On the second day Mr. Townsend, another of the Inspectors, differed from Mr. Suydam, in relation to one of the above class of voters, and he was permitted to vote. The construction given to the naturalization law on the first day, was on the second day relaxed. I do not know whether the three first persons I have mentioned voted afterwards or not. The last one did. Mr. Suydam told the first man that he could not allow him to perjure himself. I was present at the canvass. The whole number of votes was 2,470. The regular Taylor tickets 1,164. Mr. Townsend said the splits amounted to 133.

Cross questioned. The paper alluded to appeared to be as large as a sheet of paper, and purported to be extracts from the Law of Naturalization. Mr. Suydam offered to take the oath of one of the persons before mentioned. I inferred from the paper, that all persons were obliged to declare their intentions, if they were foreigners. Papers were distributed around the room. I believe the paper alluded to stated, that foreigners, coming before the year 1802, might be naturalized so as to extend the benefit to their children; and that all foreigners, arrived at the age of twenty-one years, must declare their intentions.

William G. McLaughlin sworn.—Was a witness before the Committee of the Board of Assistants. I was a Clerk at the 14th ward election, and have been a Clerk before. The regular tickets were canvassed only once. The splits were first canvassed in part; afterwards, they were canvassed altogether. It has been unusual to canvass twice. On the first count the heads of the tickets were only counted. I presume it was done to allay the anxiety evinced to know the result.

I know no mistake of ten. I was careful. It arose from a sense of duty. My tally agreed wit that of the other Clerk. Some of the tickets had the name of the Alderman erased—no other name substituted. I am certain in my recollection of one. That occurred among the tickets I opened myself. Mr. Salmon overlooked and appeared very attentive. I added up my own tally and gave it to the Inspectors. The result of the first canvass of the splits was named by Mr. Suydam. I do not know whether the Inspector added or not—they looked at the tally. The final result was ascertained from the Clerk's tally, and certified therefrom. My accuracy was particularly relied upon, and errors corrected from my return—both Clerks handed in their tally. The Counsel for the memorialists here proposed the following question: "Did you testify before the Committee of the Board of Assistant Aldermen that you did not remember any tickets on which there were erasures without substitution?" Alderman Lynch, of the Committee, objected to the question, as it had been agreed by the Counsel for the memorialists, that the testimony given before the above Committee, as reported by the Chairman, should be adopted, subject only to explanations and additions; and that the question might lead to a contradiction instead of an explanation. Alderman De Forest concurred and the question was overruled (the Chairman dissenting).

Dr. Hasbrouck affirmed, I was present when Mr. McLaughlin was examined. I heard him testify that he saw tickets with the Assistant Alderman's name erased, but he believed other names substituted; that he did not open many of the splits; his answer, I remember, referred only to Assistant Alderman.

Alderman Graham, the Chairman of the Committee of the Board of Assistant Aldermen, requested the liberty of explaining, which was granted; upon which he stated, that the examination of Mr. McLaughlin was strictly confined to the vote for Assistant Alderman, and that the general way in which the testimony was reported, was only intended to avoid repetition.

The Counsel for the memorialists expressed themselves satisfied with the explanation, and requested that such explanation might make part of the minutes of the Committee. The testimony then closed.

Dr. Hasbrouck requested permission to explain some remarks which he had made before the Committee of the Board of Assistants, and which had not been correctly reported by the Committee, and thereupon submitted the following as his remarks, "That in justice to the Inspectors, I wished to state publicly, that I did not intend, and in conducting the investigation for the memorialists, had not intended to charge them with corrupt conduct, or intentional fraud in conducting the election or the canvass, and that I had not understood the memorialists as meaning so to do. But that I and they thought and believed that wrong had been done. That errors and mistakes had occurred, and that the memorialists had been deprived of their rights, but that from whatever causes or motives those things had arisen, we disclaimed entirely attributing them to corruption, or fraudulent designs, on the part of the Inspectors."

The Committee then adjourned until Saturday evening, at 7 o'clock, for the purpose of hearing the arguments of Counsel, and on that evening, at a late hour, a farther adjournment was granted until Monday afternoon, at 5 o'clock, when, after a protracted session, the arguments closed.

The Committee in coming to a conclusion upon this state of facts, and reporting their opinion thereon, as they are bound by the rules to do, wish to avoid entering into a labored argument of the matter, but will endeavor, briefly, to assign the reasons for that opinion. The memorialists rest their claim upon the grounds

- 1st. That illegal votes were received for the sitting member sufficient to have changed the result.
- 2d. That the election was irregularly conducted in various particulars.
- 3d. That from the canvass there is sufficient to shew an error therein, amounting to a number of votes sufficient to change the result.

On the first point the Committee were unanimously of opinion that it is not competent to inquire ; that such an inquiry if allowed would lead to a similar examination on the other side, and in the end might lead to an investigation totally inconsistent with the principle on which the vote by ballot is founded.

The irregularities complained of under the second point are,

1st. That the Inspectors refused to administer the oath to citizens who were qualified to vote, although they offered to take it.

2d. That they expressed an opinion as to the qualification of voters which had a tendency to deter persons who were entitled to vote, from offering one.

3d. That they did actually refuse to receive several votes which were legal, and were for Samuel Nichols as Alderman.

In discussing this point it is proper to remark that all imputation of corruption on the part of the Inspectors is disclaimed, and the Committee think, that any opinion given by the Inspectors, bona fide, as to the construction of the oath to be taken by voters cannot invalidate an election. The voter is to judge for himself or take such advice as he can rely upon. The only testimony to shew that any person's vote was refused, who offered to take the oath, is that of William Stokely, and that was the first person only alluded to by him, and the witness did not know whether he voted afterwards or not ; the second person alluded to by him *refused* to swear after Mr. Suydam had stated to him his construction of the law, although Mr. S. tendered him the oath, and the witness states positively, that the third person alluded to by him did vote afterwards. It is not a little extraordinary, that upon an occasion which seems to have excited so much interest, the best evidence the nature of the case admits has not been produced, or its absence accounted for. The persons whose votes were refused have not been produced ; they would have known best whether they ultimately voted after the change of opinion by the Inspectors on the second day, and they were the persons who knew best how

they voted, and yet not one of them is produced. In reviewing the *whole* testimony before the Board of Assistants, it does not appear that in any one instance did the conduct of the Inspectors cause any person improperly to lose his vote. Under this state of facts, the Committee are of opinion that there were not any such irregularities on the part of the Inspectors as would authorize the Common Council to order a new election.

The third point relates to the mode of conducting the canvass, and after weighing the testimony, clear and positive on the part of three Inspectors and two clerks that the same was regular, fair and accurate, the Committee are of opinion that it would be unsafe and unwise to compare with it the vague and uncertain testimony of bystanders, some of whom were not present all the time, the whole of which when put together amounts to this, that by some possibility, if certain names were erased from some tickets and none other substituted, there could not have been so many votes given as were reputed. The Committee are of opinion that where no unfairness is imputed to the Inspectors, and particularly when they all agree as to the correctness of the result certified, that an election should not be set aside, unless a clear and manifest case of mistake should be made out by proof, and they are of opinion that none such is made out on this occasion. The Counsel for the memorialists in making out the strongest case he could upon the testimony, argued that because there were votes given for Alderman as reputed,

reputed,	. . . . .	2,463
Scattering votes,	. . . . .	5
Votes on which name was erased and none substituted,		4
One vote returned by the Inspectors,	. . . . .	1
And two votes destroyed,	. . . . .	2

Amounting altogether to votes 2,475

And that there were only 2,470 votes on the unopened count, that therefore there were five votes too many; whereas, it will be recollected that the whole number of votes polled was 2,479, and that the unopened count was only made once, and deemed

not important, because the number of votes counted did not exceed the poll list.

In conclusion, the Committee submit, as their decided opinion, from a careful review of the testimony, that the memorialists have not made out by proof a state of facts sufficient to justify the Common Council in ordering a new election; and they therefore respectfully submit, for the decision of the Board, the question, whether the prayer of the memorialists should be granted.

JAMES LYNCH,
C. DE FOREST,

REPORT

OF THE

Minority of the Committee of the Board of Aldermen,

*To whom was referred the Memorial of sundry Electors
of the 14th Ward.*



The undersigned, a minority of the Committee to whom was referred the memorial of the electors of the 14th ward, remonstrating against the election of Joseph R. Taylor as Alderman of said ward, and praying for a new election, respectfully

REPORTS

His dissent to the conclusion to which a majority of the Committee have arrived.

Agreeably to one of the rules which governed the investigation before the Committee, legal Counsel was very properly permitted to the opposing parties; and on a re-examination of some of the witnesses who had testified before the Committee of the Board of Assistants, certain developments were made, calculated to present the subject before them in an aspect very different from that which controlled the decision in the matter of the Assistant Alderman of the 14th ward. The most ma-

terial evidence, and which is in itself sufficiently important to settle the question of the validity of this election, is that of William Stokely. He states, that on the first day of the election Mr. Suydam, one of the Inspectors, exhibited a printed document, which he said he had been at some difficulty to obtain. It purported to be an extract from the law of naturalization, with the opinion of the present Attorney of the Corporation, Mr. Blunt, thereon, and which had been obtained by Mr. Suydam from him. This document was produced upon the occasion of an elector's offering to vote on the right of citizenship acquired by him while a minor, his father having been naturalized. Mr. Suydam told the elector he could not be permitted to vote—he was not a citizen; and read from the paper in his hand, that aliens, coming to this country before they were twenty-one, must declare their intention. The elector then offered to swear to his right of suffrage; but Mr. Suydam refused, saying, I cannot permit you to perjure yourself. Two other persons presented themselves on the same day, under similar circumstances; one, after hearing the statements of Mr. Suydam, replied, if you think I am not entitled to vote I won't vote. Mr. Suydam then told him that he might take the oath, but that he did not consider him a qualified voter. He did not vote. The other person presented himself just before the close of the poll on the first day. His vote was challenged. He stated his right to vote under the naturalization of his father. The paper, as before, was read to him—he appeared to be shaken, and yielded to the opinion expressed in said paper. He did not vote. Mr. Stokely further testified, that on the second day one of the above class of voters presented himself at the poll. Mr. Townsend, one of the Inspectors, observed to Mr. Suydam, that he considered him entitled to vote, and he was accordingly permitted to vote. On the second and third days the position taken on the first day, in relation to the subject of naturalization, was, in the language of this witness, "relaxed."

It will here be manifest, that the Inspectors promulgated a

rule, or law, in reference to a particular class of voters, which continued during the first day of the election, and under which three electors were positively excluded. But it would be reasoning against the universally acknowledged operation and effect of law, to urge, that nothing resulted from the course adopted by the Inspectors, but that which appeared in the rejection of the three votes above mentioned. The class of voters here excluded must necessarily be very large; as every intelligent emigrant, who has children, would embrace the opportunity of conferring the advantage of citizenship upon them, when it can be so easily effected; and is not the conclusion irresistible, that, among this number, many were deterred from voting under the erroneous construction given to the law on the subject of naturalization. The Election Law briefly, but very plainly, defines the duties and powers of the Inspectors. On the subject of challenging it says, "If any person, offering to vote, shall be challenged by an Inspector, or by any other person, entitled to vote at the same poll, the Board of Inspectors shall declare to the person so challenged the qualifications of an elector. If he shall state himself to be duly qualified, and the challenge shall not be withdrawn, one of the Inspectors shall tender to him the following oath or affirmation." The oath embraces the legal qualifications of an elector. "If any person shall refuse to take the oath so tendered, his vote shall be rejected." All laws, which are not arbitrary in their character, are supposed to embrace the accumulated wisdom of the past; and the great test is, their simple adaptation to the security of civil and political rights. Why, in carrying out the will of the elector, is the vote by ballot preferred to that by voice? Simply, because it gives to the elector greater independence in the exercise of his right of suffrage. Why is an Inspector of Election an administrative and not a judicial officer? Because Inspectors are chosen from among the great body of the electors; nearly all of whom may be competent to administer the law, but very few possess those legal qualifications necessary in a judge. The nature of the

trust is one, too, which forbids judicial discretion. The Inspector may be an infuriated partizan, and impartiality, the most distinguished attribute of a Judge, be lost in that phrenzied zeal which follows in the train of cupidity or ambition. The propriety of making the elector the judge of his qualifications to exercise the right of suffrage, as provided by the law, is evident; because he is most deeply interested in acquiring correct information on that subject. If challenged, he must swear; and he is subject to prosecution for wilful and corrupt perjury. By a departure from the plain direction of the law, on the part of the Inspectors, they cease to be administrators of the law; and, in assuming the right to introduce tests of qualification unknown to the law, a boundless field is opened for error, even if we should yield to the Inspectors all the virtue that is compatible with human character.

Thus in the composition of Government we are never to lose sight of the frail and imperfect character of man. And it was well observed by one of the distinguished authors of the *Federalist*, in his admirable defence of our present happy constitution. "What is all government but the greatest possible satire upon human perfection. If men were angels they would require no government." And I might here add, if the Inspectors of our Elections were angels, they would require no law to guide them in their delicate and important trust. When there has been any infraction of a legal right properly belonging to the people, as in the case before us. The representatives of the People, are very properly constituted Judges of the violation, and are invested with the necessary power to apply the corrective. In exercising such power I am free to confess that they are not bound by previous judicial or legislative decisions. But they are bound by all those high moral considerations which lie at the foundation of public virtue and public safety. They are urged to a correct decision by the reflection that to them is committed the illumination of public opinion, and that in proportion as they sanction a lax construction of laws, which are the appointed guardians of the

entire political energies of the country, will the government cease to be venerated, and hasten to dissolution. The case before us is one which exhibits the Inspectors as having lost sight of the character properly belonging to them, and of having assumed a character to which they were utterly incompetent. The right of the citizen, when duly qualified, is to vote, and his vote can only be rejected when he refuses to swear. But here the Inspectors, during an entire day, and by virtue of an arbitrary challenge, refuse to a large class of electors, a privilege which was plainly their legal right.

It is true that one of the electors, alluded to in the evidence of Stokely, received an intimation that he might swear; but it was after a document, purporting to be an extract from the Laws of Naturalization; and a legal opinion on that subject was read to him, and the opinion of one of the Inspectors solemnly given, that he had no right to vote. The reading of such document, and the opinion of the Inspector thus given, were as contrary to the Law of the State, governing elections, as they were, in substance, opposed to the Laws of the United States, on the subject of naturalization; and, although the oath, as in this case, was not forbid, conscientious scruples were raised in the mind of the elector, which, in fact, prohibited him from voting. But does the subject, thus far presented, demand the corrective applied for by the memorialists? An opinion has gained ground, and on that a majority of the Committee rely, that unless it can be clearly shown, by calculation of figures, that the result of the election would have been different, if the law had been fully observed; or that a non-observance of the law has led to a result manifestly false, no election should be set aside. The fallacy of such an opinion will appear from a few plain propositions. In the case before us, the member returned as elected, was so returned by a majority of seven votes. Three of the rejected votes, as proved by the witness Stokely, would have been against him; leaving his majority, under this branch of the subject, four. By a calculation of figures, then, he is positively elected; for it can-

not be clearly shown, how many persons were rejected, under the arbitrary enactment of the Inspectors, any more than it can be shown how those persons would have voted. But, suppose a majority of the Inspectors had refused to open the poll on the third day, and after canvassing the votes taken, had found precisely the same result as in this case; might not the same process of reasoning be adopted, that it could not be clearly shown how many persons were prevented from voting on the third day, or how those persons would have voted; and that, therefore, there was not sufficient evidence to show, that an observance of the law would have changed the result; or if they had adjourned the poll on each evening of the election, leaving the ballot boxes open on the table; or, in the course of canvassing had left the room, after appointing irresponsible persons to perform their duty. In these, and many other instances, equally gross, that might be alluded to, calculation would fail to shew that the result had been varied by the irregularity. It must be manifest, then, that doubt and uncertainty are sufficient grounds for setting aside an election; that the people have a right to claim that the result of an election should be clearly ascertained, and that nothing can give them adequate security but a due observance of the law.

The case of Knapp, who had just arrived from sea, and whose residence was fixed in the clearest manner, by his having adopted it immediately on his landing, is another evidence of the judicial powers assumed by the Inspectors. In his case the Inspectors advised him to go to the 4th ward, where he had no right to vote; and that he was not entitled to vote in the 14th ward, which was his only residence. If he did not demand to take the oath, it was because he yielded to what he considered to be the superior intelligence of the Inspectors.

In the case of Hickey, his vote was refused because he stated to the Inspectors that he had but one paper; and although that statement was afterwards qualified by an explanation, that when he had taken out the last paper he left another in place of it; he was told, that the oath could not be con-

scientiously administered to him. In other instances, interrogatories were put to persons, offering themselves to vote, touching their right of citizenship; and the Inspectors decided their right of suffrage, under a loose examination, without allowing the solemn test provided by the law. Nearly all the witnesses agree, that the language of the law was varied, so that the word *actually*, which formed part of the law, was sometimes omitted, and sometimes used by two of the Inspectors; and, although, in the language of some of the witnesses, no person was deprived of a vote by reason of the variation, there is yet much reason to doubt whether some, in consequence of the omission of the word *actually*, and leaving the sentence, now reside in the ward, did not vote; who were mere political sojourners for the purpose of changing the result of the ballot. In conducting the canvass, the clerks, who are indeed sworn officers to perform the duties of clerks, aided in counting the ballots and placing them on the wires. The language of the law is, "the Board shall then proceed to canvass and estimate the votes," meaning the Board of Inspectors; the clerks not, forming part of that Board. I am aware that this particular breach of the law is sanctioned to some extent by custom; and while in the present instance it may have been harmless, it yet serves to shew the dangerous tendency of all violations which are not immediately corrected. They become confirmed by usage, and are deemed comparatively innocent. The last consideration in relation to this subject, is the disagreement between the official return, filed in the office of the County Clerk, and the evidence of a number of the witnesses. The official return shews the number of votes given for Mr. Taylor, 1235; for Mr. Nichols, 1228; two tickets condemned and filed with the official return; and five tickets, called foreign tickets, being regular tickets of other wards, making a total of 2470. The evidence, about which there was no dispute, shews that in the canvass there were regular tickets for Mr. Taylor, 1167; for Mr. Nichols, 1164; split tickets, 133; and two tickets destroyed, which were judged to be double, making a

total of 2466, being 4 less than the official return. Deducting from 2466 the five foreign tickets, and the two filed with the County Clerk, a balance will remain of 2459, from which deducting the number of votes officially returned for Mr. Nichols, leaves 1231 for Mr. Taylor. But it has been shewn that three votes were absolutely rejected, intended for Mr. Nichols, thus making his number 1231, equal to Mr. Taylor's; and as far as respectable uncontradicted evidence can invalidate the official return, shewing that neither candidate is elected. At a period of excitement, such as appears to have been that of the canvass of the charter tickets of the 14th ward, confidence will very properly attach to that portion of our citizens who were most free from excitement; but here all is doubt on that subject, as it would appear from evidence of the manner in which the whole election was conducted. That the Inspectors were not less under excitement than the surrounding spectators: the canvass was conducted with a looseness and rapidity corresponding with the existing feeling; and although no suspicion attaches from any quarter to the motives of the Inspectors, yet doubts of a formidable character do attach to the rules of balloting, the canvass and the result. In view of the whole subject, it is clear that, the present is an occasion on which the representatives of the city are called upon, as under no ordinary circumstances, to make a correct decision. They are not called upon to decide an isolated case, but to fix a principle of construction, involving on one hand the security of law, and on the other a license to unbounded violation. The memorialists do not ask a remedy for mere abstract breaches of the law, but exhibit a state of facts shewing that the result of the election is not clear, as it ought to be, but clouded with doubts which unsettle public opinion, and in their tendency are calculated to destroy public confidence. In the rapid glance which the undersigned has here taken, no effort has been employed for the purpose of producing effect. The subject is one which concerns the whole community, not a part, and he confidently trusts, that an ephemeral popularity may in

no degree influence the decision of the question, whatever that decision may be.

In conclusion, the following resolution is respectfully submitted:

Resolved, That the proceedings and accompanying reports, in relation to the investigation of the 14th ward election, be printed for the use of the members.

THOMAS JEREMIAH.

11. 11. 1911

12. 11. 1911

13. 11. 1911

14. 11. 1911

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DOCUMENT NO. 12.

BOARD OF ALDERMEN,

JULY 30, 1838.

The Committee on Laws, &c. to whom was referred the amendments of the Board of Assistant Aldermen, to an Ordinance concerning the Department of Finance, presented the following report, which was ordered to be printed for the use of the members.

THOMAS BOLTON, *Clerk.*

The Committee on Laws, &c. to whom was referred the amendments of the Board of Assistant Aldermen, to an Ordinance concerning the Department of Finance, and a resolution accompanying the same, as passed by this Board, and hereto annexed,

R E P O R T:

That in their opinion it is expedient to concur with the Board of Assistants, in their amendments to the resolution, which are only a change of phraseology.

The Committee recommend a concurrence with the Board of Assistants, in their amendments.

1st. To Title i, § 8. 3d. To Title xi, § 4, subdivision 15. 4th. To Title xi, § 5, subdivision 2. 6th. To Title iv, § 4, subdivision 1. 8th. To Title 4, § 4, subdivision 2. 9th. To Title iv, § 5. 10th. To Title vi, § 6.

And the Committee recommend a concurrence with the 2d amendment, provided the words "from time to time, as they may deem proper," be stricken out, and the word "monthly" be inserted. The object of this Committee in proposing such alteration, being to make it imperative on the Finance Committee to submit monthly their opinion on the monthly statement of the Comptroller.

The Committee recommend a *non*-concurrence in the 5th amendment, which provides that the security to be given by the Chamberlain should be \$12,500 only, instead of \$25,000, considering the large amount of monies, at times, in the hands of the Chamberlain. The Committee are of opinion the amount of security ought to be as large as \$25,000.

The Committee also recommend a *non*-concurrence in the 7th amendment, which would exempt from the annual report of the Comptroller, on the finances, the *detail* contained in the monthly reports.

The only objection to such a statement in detail annually, would be the expense, and as it might be merely a collection of the monthly statements, and as it would tend not only to give the members of the Board a full insight into the detail of the expenses, but also to afford to the citizens a fair opportunity of satisfying themselves as to all the public expenditures, the Committee are of opinion that the expense proposed to be saved is too trifling to form a serious objection; therefore that the exception proposed by the Board of Assistants ought not to be agreed to.

JAMES LYNCH,
THOMAS JEREMIAH.





AMENDMENTS

TO THE

Revision of the Ordinances.

The following resolution has passed both Boards, viz.:

Resolved, That the Reviser of the Ordinances and Resolutions of the Common Council be directed to proceed in such revision, upon the plan contained in the Ordinance concerning the Department of Finance, now adopted by the Common Council.

AMENDMENTS, ADDITIONS, &c.

Made by the Board of Aldermen to the Ordinance reported by the Reviser concerning the Department of Finance.

Title I. § 2, amended by adding at the end thereof the following words, viz: "and the Committees of Finance of the Common Council."

§ 5, amended by adding at the end the words, "and the expenditure authorized by an ordinance or resolution of the Common Council."

§ 8, amended by striking out, on the last line, the words "Mayor and," and inserting in lieu thereof, the words, "Clerk

and," and by adding at the end thereof, the words "and approved by the Mayor."

Title II. § 1, amended by striking out from the 4th line the word "ten," and inserting in lieu thereof, the word, "twenty."

§ 4, 6th division, amended by striking out all after the word, "funds," on the 3d line—10th division amended by striking out the word, "semi-annual," and inserting in lieu thereof, the word, "quarterly,"—11th division stricken out, and the 11th division reported by the Reviser on the 18th page substituted therefor—12th division amended by striking out the word "about," on the 3d line, and substituting in lieu thereof, the word "before,"—15th division, the blanks on the 2d line filled by "31st," and "December."

§ 5, 2d division stricken out—3d division amended by adding at the end, the words, "and any taxes or assessments due on the same,"—4th division, the blank after the word "appoint," on the 1st line, filled with the following words, viz, "under the direction of the Finance Committees of the Common Council, or when ordered by the Common Council."

Title III. § 3, 2d division amended by striking out all between the word "necessary," on the last line, and the "directed" on the last line, and inserting in lieu thereof, the word "and."

§ 4, amended by striking out all from the commencement to the word, "who," and inserting in lieu thereof, the words, "two Clerks, to be called the 1st and 2d Clerks in the Department of Finance, shall be appointed by the Comptroller," and by striking out the word "him" on the 3d line, and inserting in lieu thereof the word "them," and striking out the word "his," on the last line, and inserting in lieu thereof, the word "their."

Title IV. § 2, amended by striking out the word "twelve"

on the 3d line, and inserting in lieu thereof, the words "twenty-five," and striking out the words "five hundred" on the 4th line.

§ 4, 2d division amended by inserting after the word "of," on the 1st line the word "February," and inserting after the word "May," on the same line, the word "August," and by adding at the end of said division, the words, "with a certificate of the Cashier of the bank so selected, of the amount standing to the credit of the Treasury, or of the Commissioners of the Sinking Fund."

4th division stricken out—section 5th added as follows :

§ 5, after the monies received by the Chamberlain are deposited in the bank or banks so selected, or designated as above mentioned, no money shall be drawn from such bank or banks, except on the warrants of the Corporation, signed in the manner directed by the 5th section of the 1st title of this law, and it shall be the duty of the Comptroller to furnish such bank or banks with a copy of this section.

Title V. § 4, 4th division, the blanks on the last line filled with "12" and "one."

Title VI. § 5, 2d division amended by striking out the word "once," on the 1st line, and inserting in lieu thereof, the words "on the first and third Monday."

§ 6, amended by striking out the words "is required," on the 3d and 4th lines, and substituting in lieu thereof the word "shall."

Title VII. § 4, amended by inserting the word "or," between the words, "city, sickness," on the 3d line, and by striking out the words, "or other unavoidable circumstance," on the same line.

§ 5, stricken out.

Title VIII. § 1, amended as far as the word "assessments," on the 2d line, so as to read from the commencement as follows, as far as the word "each" on said line, viz: "there shall be appointed by the Common Council, one Collector of Assessments, three Deputy Collectors of Assessments."

§ 2 amended by adding the word "Deputy," before the word "Collector," on the last line—and by adding at the end of said section the following words, viz: "the warrants shall be issued to the Deputy Collectors in the mode prescribed by law, they shall report to the Collector of Assessments, in such time and manner as he shall direct, and make returns, and pay over to him all monies received by them."

§ 3, amended by adding the word "Deputy" before the word "Collector," on the 1st line.

§ 4, amended by adding the word "Deputy" before the word "Collector," on the 2d line.

§ 5, amended by adding the word "Deputy" before the "Collector," on the 1st line—by adding the words, "Collector who shall report to the," before the words "Street Commissioner," on the 4th line—and by inserting the words "in the same manner," on the 8th line, after the word "shall."

§ 6, amended by striking out the letter "s" at the end of the word "Collectors," on the 1st and 2d lines—and by striking out the word "their," and inserting in lieu thereof, the word "his."

§ 7, amended by striking out the words, "collected by them respectively," on the 2d line, and inserting in lieu thereof, the words "received by him,"—and by striking out the word "second," on the 3d line, and the word "their," on the last line, and inserting in lieu thereof, the word "his."

§ 9, altered to 10. and additional section adopted as the 9th, as follows, viz:

§ 9. The Collector of Assessments shall, on Monday in every week, return to the Comptroller and Street Commissioner, an accurate account of all monies so received by him, from his Deputy Collectors, and on what account the same shall have been paid, and shall keep in his office a correct statement of all monies collected therein and paid over by him, and before entering on the duties of his office shall take the usual oath or affirmation, and give security in the sum of \$30,000, faithfully to discharge the duties of his office according to the ordinance.

It shall also be the duty of the said Collector to require an account from his Deputies, at least once in every week, and oftener, if he shall deem the same necessary.

§ 10. As so altered from section 9—amended by inserting after the word "shall," on the 1st line, the words "direct the manner in which the accounts shall be kept in the office of the Collector of Assessments, and the said Collector shall," and by adding the word "Deputy" before the word "Collectors," on the 2d line.

AMENDMENTS

Made by the Board of Assistant Aldermen.

Title I, § 8, last line, erase the words "and approved by the Mayor," and insert the words "*Mayor and,*" before the word "Clerk" in the 3d line.

Title II, § 4, subdivision 11, strike out this subdivision, and insert the following as a substitute:

"To see that true and accurate accounts are kept of all matters appertaining to his office, and once in each month to submit to the Finance Committee of both Boards for their examination, a full and detailed statement of the accounts of his department for the previous month, together with the accompanying vouchers. And it shall be the duty of the Committees to examine said accounts and vouchers, and report thereon to the Common Council, from time to time, as they may deem proper.

Title II, § 4, subdivision 15, strike out of the 2d line "31st" and insert "20th"—strike out of same line "December" and insert "*January.*"

Title II, § 5, subdivision 2, strike out the word "any" from the last line but one, and insert "*all.*"

Title IV. § 2, strike from the 3d line the words "25,000" and insert "12,500."

Title IV, § 4, subdivision 1, strike out all of the first line and insert the following:

"To deposit forthwith all monies which may be received from time to time by."

Strike out of the 4th line of this section the word "elect" and insert the word "*select*."

Strike out of the 5th line of this section, the word "there-upon," and insert the words "*once in each week*." Also, strike out of the last line of this section, the word "and," and insert at the end of the section the words "*and the Bank in which such deposits have been made*."

The ordinance was read and further amended, as follows, viz. :

Title II, § 4, subdivision 15, amended by striking out the words "except such as shall be contained in his monthly reports," on the 5th and 6th lines.

Title IV, § 4, subdivision amended by striking out the word "six" before "months" on the 4th line, and inserting in lieu thereof the word "three;" and by striking out the word "or" on the last line but one of the same section and subdivision, where it occurs after the word "treasury" and substitute in lieu thereof the word "*and*."

Title IV, § 5, amended by striking out the figure "5" where it occurs on the 9th line before the word "section," and inserting in lieu thereof the figure "6."

Title VI, § 6, amended by striking out the word "to," before the word "report," on the 4th line.

The question being then taken upon adopting the ordinance as thus amended, the same was passed.



DOCUMENT NO. 13.

BOARD OF ALDERMEN,

JULY 2, 1838.

The Committee on Roads and Canals, to whom was referred the annexed petition of owners of property in 8th and 9th Streets, and in the 2d avenue, for the construction of a sewer through Tompkins square to the sewer in avenue C, presented the following report, in favor of the same, which was laid on the table.

THOMAS BOLTON, Clerk.

The Committee on Roads and Canals, to whom was referred the annexed petition of owners of property in 8th and 9th streets, and in the 2d avenue, for the construction of a sewer through Tompkins square to the sewer in avenue C, respectfully

R E P O R T:

That the square is situated between 7th and 10th streets, and between avenues A and B; that the plan for regulating

that portion of the city, contemplated the water to pass through 8th and 9th streets, since closed by the square, against which the water is now thrown during heavy rains, and accumulates, in an offensive manner, in the avenue.

The Committee are of opinion that immediate provisions should be made for disposing of this water, either by constructing curbs and gutters across the square, in continuation of the lines of curb and gutter in 8th and 9th streets, or by building a small sewer under the surface in 9th street, to avenue C, with a lateral branch to extend to, and receive the water from 8th street.

The distance across the square is 686 feet. If curb and gutter stones be laid, they must be placed in each street, making in all four lines of curb and gutter, which would cost one dollar per running foot, each line amounting, in the aggregate, to \$2,744, which sum would be wholly defrayed by the Corporation. The sewer would be required to extend to avenue C, which with the lateral sewer would comprise a length of 1,660 feet, at a cost of three dollars per running foot, amounting to \$4,980, the greater part of which sum could properly be charged upon the owners of property benefited, above and below the square.

The Committee are decidedly of opinion that the sewer is preferable to the curb stones, as it will not interfere with, or disfigure the walks, or be productive of any damage; while the latter would not only detract from the symmetry of the Park, but if obstructed would be attended with hazard to the trees and shrubbery, during summer showers, and would also prove offensive, at other times, from stagnant water, which would partially lodge in particular spots.

The Committee therefore recommend the following resolution, which contemplates that a portion of the expense shall be borne by the owners of property interested, instead of putting the whole upon the city, as requested in the petition.

Resolved, That a sewer, with culverts and receiving basin,

be placed through Tompkins square and 9th street, in a line with the centre of the latter, from avenue A to the sewer in avenue C, with a lateral sewer to connect with 8th street, at avenue A, under the direction of the Street Commissioner, and that the Street Commissioner present an ordinance therefor.

R. SMITH,
JOSEPH R. TAYLOR.



DOCUMENT NO. 14.

BOARD OF ALDERMEN,

SEPTEMBER 24, 1838.

The Committee on Laws, &c. to whom was referred the communication from his Honor the Mayor relative to the Dog Law, presented the following report thereon, together with the draft of an ordinance on that subject, which was laid on the table and directed to be printed for the use of the members.

THOMAS BOLTON, Clerk.

The Committee on Laws, &c. to whom was referred a message from his Honor the Mayor, on the subject of the laws relating to dogs,

R E P O R T :

That in consequence of the difference of opinion which seems to have existed in the Common Council for some years past, they have examined the subject with attention, and with a desire to provide a remedy which may satisfy the community at large, without giving offence to any portion of it.

The Committee are aware of the attachment which many persons feel towards a faithful dog, and are therefore unwilling to recommend any tax or restraint upon keeping one which is not deemed necessary for the protection of the community, from the dreadful consequences which ensue from from the bite of dogs when in a rabid state. This can only be done effectually by preventing them from running at large, unless they are muzzled, and by requiring those who take them through public places to lead them by a chain or string. If the proprietor or possessor of a dog neglects or omits to submit to those conditions, it is not unreasonable that he should be subjected to a penalty, and should incur the risk of losing his dog at the hand of any person who may choose to kill him.

From the facts stated by his Honor the Mayor, the Committee are of opinion that the persons who may be employed for the purpose of killing dogs, as well as others, ought to be protected against the interference of persons who are opposed to all measures for the destruction of those animals.

The Committee, in conformity to those views, recommend the adoption of the following ordinance.

JAMES LYNCH,
JOSEPH R. TAYLOR,
THOMAS JEREMIAH.

A LAW

CONCERNING DOGS.



The Mayor, Aldermen and Commonalty of the City of New York, in Common Council convened, do ordain as follows :

§ 1. No dog shall hereafter be permitted to go abroad in any of the streets, squares, lanes, alleys, or public places of this city, without being properly muzzled, or being led by a chain or string, under the penalty of ten dollars for each offence, to be recovered against the owner, possessor, or person who harbored such dog, within three days previous to the time of such dog being found so going abroad. And it shall be lawful for any person whosoever, to seize and kill any dog so running at large without being muzzled or led by a chain or string.

§ 2. The Mayor may, from time to time, and for such time as he shall think proper, appoint one or more suitable persons to kill and destroy all dogs found running loose or at large in the streets, roads, squares and public places of said city, unless they are properly muzzled.

§ 3. The persons so appointed shall receive the sum of two dollars per day for each day they shall be so employed, and shall make weekly returns to the Mayor of the number of dogs they may severally kill.

§ 4. No person shall hinder or molest any person or persons who may be engaged in seizing and killing any dog, or in re-

moving the carcase thereof, under the penalty of one hundred dollars for each offence.

§ 5. The 1st, 2d and 3d sections of the law entitled "A Law concerning Dogs," approved by the Mayor, April 4, 1838, and the law entitled "A law amending a law entitled, 'A Law concerning Dogs,' " approved by the Mayor July 21, 1836, are hereby repealed.

DOCUMENT NO. 15.

BOARD OF ALDERMEN,

SEPTEMBER 24, 1838.

The Committee on Laws, &c. to whom was referred an Ordinance relating to the City Inspector's Department, together with the petition of Perkins Nichols, for permission to continue the building of the Marble Cemetery, presented the following report thereon, which was laid on the table and directed to be printed for the use of the members.

THOMAS BOLTON, Clerk.

The Committee on Laws, &c. to whom was referred the report of that Committee, recommending the passage of an ordinance entitled "A law amending a law entitled a law creating the City Inspector's Department, and prescribing the duties of the officers thereof;" and a petition of Perkins Nichols, for permission to extend the Marble Cemetery; and a report of the City Inspector, upon a resolution requiring him to report on

the propriety of continuing interments within certain limits, and his opinion of the effect which will be produced on the health of citizens by interments made in the Marble Cemetery, all of which are annexed,

REPORT :

That by the 5th section of the 5th title of the law proposed to be amended, passed November 19, 1833, it is provided, that "no new Cemetery, or burying ground, should be established in any part of New York, south of Fourteenth street," after the passage of that law ; but that there was no penalty attached to the violation of that provision, and no means prescribed to enforce it.

The ordinance proposed purports to be a re-enaction of that law, to take effect from its passage ; and provides, in addition, a penalty of \$250 against any person who should dig or open any grave, or inter in any vault or tomb, in any such new Cemetery or burying ground.

The Committee have been attended by Mr. Perkins Nichols, who has exhibited to the Committee documents establishing, that early in the month of July last he entered into contracts for the purchase of land adjoining the Marble Cemetery, and the construction of vaults therein, of marble, and upon the same plan there adopted, involving an expenditure of nearly \$50,000 ; that he had commenced excavation and brought part of his materials on the spot, and contracted for the transportation of the remainder, and was going on with the work, when he was deterred from pursuing it further by the introduction on the first of August, into this Board, of the ordinance above mentioned. The said Nichols avers, that he was not aware, and had no knowledge of the ordinance of 1833, and was proceeding in good faith. It appears, also, that since the passage of that ordinance the Trustees of St. Mark's Church have, without being apprized that there was any such ordinance,

erected additional vaults, and extended their Cemetery, and disposed of part or all of them; and that interments are continuing to be made therein. Mr. Nichols also presents a certificate, signed by a number of owners and occupants of houses situate in Second and Third streets, the Second avenue and the Bowery, and backing in upon the New York Marble Cemetery, and in view of the spot contemplated for an additional one, who certify that, in their opinion, the manner in which the Cemetery is arranged renders it more pleasant and useful to the comfort and health of their families than to be occupied for any other purpose, and that they should prefer it.

The Committee have been attended by many respectable proprietors and occupants of houses and lands in the vicinity of the Marble Cemetery, and the proposed additional one of Mr. Nichols, who are warmly and decidedly opposed to the erection of the proposed Cemetery, on the ground that it is injurious to the value of property in the neighborhood, and tends to diminish the rents of houses thereto adjoining and in that vicinity; and the Committee are of opinion that the number of persons owning property in the neighborhood, who are opposed to the construction of the proposed Cemetery, is considerably greater than that of those who are in favor of it.

By the report of the City Inspector, which is an interesting document, as well as the statements of Mr. Meriam, Dr. Francis and Dr. Fay, accompanying this report, in which important questions are presented, as to the preference to be given to marble or lime stone, in the construction of vaults; it would appear that no effects, injurious to health, are to be apprehended from interment in Cemeteries, upon the plan proposed to be adopted by Mr. Nichols.

Upon this statement of facts a difference of opinion has existed in this Committee, as to whether they should recommend the passage of the ordinance as reported, or recommend the insertion of an excepting clause in favor of those Cemeteries which have been bona fide extended, or commenced previous to the 1st of August last, the date of bringing in the said ordinance.

A majority of the Committee, however, are in favor of recommending the passage of the ordinance as reported, without amendment.

All of which is respectfully submitted.

JAMES LYNCH,
JOSEPH R. TAYLOR,
THOMAS JEREMIAH.

A LAW

Amending a Law entitled " A Law creating the City Inspector's Department, and prescribing the duties of the Officer thereof."

The Mayor, Aldermen and Commonalty of the City of New York, do ordain as follows :

Title v. sec. 5. No new Cemetery or burying ground shall be established in any part of the City of New York, south of Fourteenth street, after the passage of this law ; and no person shall dig or open any grave, or cause or procure any grave to be dug or opened in any such new Cemetery or burying ground, or shall inter or deposite, or cause to be interred or deposited in any such grave, or in any vault or tomb in any new Cemetery or burying ground as aforesaid, under the penalty of \$250 for every such offence. And so much of the law hereby amended as is inconsistent herewith, be, and the same is hereby repealed.

Resolved, That the preceding law be, and the same is hereby adopted.

Presented by

THOMAS JEREMIAH.

Resolved, That it be referred to the City Inspector, to report on the propriety of continuing interments within certain limits, and his opinion of the effect which will be produced on the health of citizens by interments made in the Marble Cemetery.

HOLLY.

CITY INSPECTOR'S OFFICE,

September 10, 1838.

The undersigned, to whom was referred the annexed resolution "To report on the propriety of continuing interments within certain limits, and his opinion of the effect which will be produced on the health of citizens by interments made in the Marble Cemeteries," respectfully

REPORTS :

That the matter referred for his consideration, being of great and vital importance to all large communities, and particularly to this city, on account of its peculiar location, and the delicate and gloomy associations connected therewith, demand of him a serious and candid investigation.

Aware of the various opinions entertained of the propriety of interments in cities, he feels the responsibility devolving upon him for his opinions, and had thought of stating the reasons upon which they are founded ; but they are not called for by the resolution, and therefore will briefly answer—

That he considers the propriety of continuing interments within certain limits, as solely dependent upon a few contingencies. The most prominent of which, the selection of suitable soil, the dryness or moisture of the same, holding an important relation therewith.

The offensive or dangerous effects of the decomposition of dead bodies, being influenced very materially by such causes, it often happens that dead bodies are unexpectedly met with after having been interred for years, with their form and features unchanged, and no offensive exhalations arising therefrom. This is explained by the nature of the soil in which they are found.

Two necessary agents must be present in the offensive change of the dead body, viz. heat and moisture ; if one of them be absent this change does not occur.

The dead are generally deposited in the earth, where the heat is very uniform, but the dryness and moisture of the same vary materially.

Therefore, it follows, as the nature of the soil is so essentially different in distinct parts of this island, that these circumstances should have their due weight upon an enquiry of continuing interments within certain limits.

In regard to interments within vaults or cemeteries, a custom new to us, but old to the world, the same importance must attach to the exclusion, however obtained, of one of these agents.

The means taken to prevent the percolation of the surface water from penetrating into the interior, and the material of which they are composed, all have an important bearing upon this question.

The use of vaults for the interment of private families, requiring only to be opened, perhaps once in five or six years ; or vaults for the accommodation of large numbers, perhaps open most of the time for the daily interment of bodies, require different details, but tending to the same point.

The enquiry embraces a most important field, requiring provision for the annual interment of from 8 to 10,000 bodies at the present time, in a population of nearly 300,000 people, to be increased in regular proportion with the growth of the population, and confined to limits of about eight miles in length, by a breadth varying from one to three miles ; a portion of it covered with buildings, and of the vacant ground, probably not

one-third of it suitable under any circumstances for interments, even if it were not wanted for other purposes.

He thinks that much of the difficulty now apparently environing us, might be met and obviated by suitable regulations easily made and enforced.

As to the second section of the enquiry—"the effect which will be produced on the health of citizens by interments made in the Marble Cemeteries," he answers, that the only two Cemeteries of this kind he is apprized of in the city, are situated between Second and Third streets, the Bowery and Second avenue, and between First and Second avenues.

Their appearance above the ground is neat. The vaults below, where rest the *silent*, are dry, and as far as his observation extends, free from effluvia; although by the side of those that have been immured for years, lie bodies that have entered but months or days since. Care has been taken to select a deep, sandy and dry soil, and by cementing over the vaults to prevent the water from the clouds from penetrating; and by the selection of a stone peculiarly drying in its nature to accomplish these results.

The effects produced have advantages over the ordinary vaults constructed of brick, and some kinds of stone. In the arrangements there made, and the mode in which interments are there conducted, he does not think there is any thing to interfere with the health of the citizens.

Respectfully submitted.

HENRY G. DUNNELL,
City Inspector.

PETITION OF

PERKINS NICHOLS.

To the Honorable the Common Council of the City of New York :

The undersigned having been informed that your Honorable Body have before them an ordinance to prevent the building of any new Cemeteries, south of Fourteenth street, would respectfully urge for your consideration, that he has been, for nine months past, arranging matters for the construction of an addition to the New York Marble Cemetery, upon the same plan as those now in use, and so highly approved of by all those who have witnessed their arrangement.

That he has purchased a part of the premises adjoining the Marble Cemetery, at a very high price ; has brought upon the ground a large part of the materials, and commenced the excavation ; all involving, when finished, an expenditure of nearly fifty thousand dollars. That immediately upon hearing that your Honorable Body had the matter in agitation, he ordered all the work to be suspended until your determination should be known. That his object in constructing these additional vaults was, to accommodate some of the numerous application in consequence of all the former vaults having been sold, and that the bodies of several dead citizens are now temporarily resting in the vaults of their friends, upon their dying injunctions, and the pledges of being placed in these new vaults.

That he has so constructed his Cemeteries that all the objections ever urged against interments, even in densely populated cities, are entirely obviated, and for the evidence of which

he would refer to the annexed certificates of several citizens who have visited the spot ; the certificate of the inhabitants adjoining the Cemetery ; likewise the certificates of several scientific gentlemen, well acquainted with this subject, to all of which he respectfully refers. He would further state, that they have been visited and inspected by your City Inspector, and he would ask of him whether there can be any objection to this mode of interment.

He would respectfully urge upon your Honorable Body not to pass this ordinance, because it would involve him in a great pecuniary loss, and cannot be productive of any public good. The soil being a deep dry sand in this vicinity, is peculiarly appropriate to Marble Cemeteries, which prevent moisture and consequently decomposition. There is no soil fit for interments, north of Fourteenth street, until you reach the sand hill, at Manhattanville.

The passage of this ordinance will prevent the use of the very best part of the soil for interments that this island possesses. So far from being benefited, the public will receive serious inconvenience and injury. All of which is respectfully submitted by your humble servant,

PERKINS NICHOLS.

New York, September 5, 1838.

S T A T E M E N T

IN RELATION TO MARBLE CEMETERIES.

BY E. MERIAM.

On the 29th August, 1838, Dr. Francis, an eminent Physician of the City of New York, Dr. Fay, and myself, visited the Marble Cemeteries in this city, constructed by Perkins Nichols, Esq.

One of these Cemeteries is situate in Second street, between the First and Second avenues. It is enclosed by a wall, built of marble, laid in lime mortar, twenty-two feet high from the foundation, and two feet thick. The enclosure is 450 feet in length and 92 feet in width, and contains 234 vaults. The vaults are beneath the surface of the ground; are built with marble, laid in lime mortar, arched over with the same material; and the outside of the arches are covered with cement. The floors, doors and shelves are of the kind of stone known by the name of silver gray flagging stone, and such as are used for flagging the sidewalks of some of the streets in our city.

The earth in which these vaults are constructed is a dry sand, to the depth of forty feet.

We examined these vaults with great care—found the atmosphere of them comparatively dry, and not offensive. The *roof* and *sides* of the vaults were dry; the *floors*, however, were damp; but this dampness is easily accounted for, upon philosophical principles. The temperature of the flagging stone differs from five to eight degrees from that of the marble, and consequently the dampness of the atmosphere, (produced by the decomposition of the bodies,) is condensed upon the sur-

face of the floors; or perhaps this stone may possess attractive properties, and the dampness may be caused by this property of the stone.

The coffins were mostly dry; the hinges and screws but slightly corroded. The bodies were in various states of decomposition, according to the condition in which the person was at the time of death. Some of these the flesh was hard and dry, and others in a state of decomposition; but the dry atmosphere of the vaults, caused by the surface water being excluded by the cement covering, and the chemical properties of the marble, of which the sides, ends and roof are made, have had a powerful effect upon the decomposition of the bodies; and retarded, and, to a considerable extent, prevented putrefaction.

The Cemetery, situate between the Second avenue and the Bowery, is enclosed by a wall of the same height and thickness, and built of the same materials as the other. It is 250 feet long and 83 feet wide, and contains 156 vaults, constructed of the same materials; but the outside of the arches are not covered with cement. In these vaults we found stalactites hanging from the roof of the vault, like icicles from the eaves of a building. These stalactites are white, and formed of the minute particles of the marble, and lime mortar, and are caused by the surface water oozing through the arches. This surface water arises from rain and snow. The vaults in these two Cemeteries are overlaid with earth to the depth of feet. Had these vaults been constructed entirely of marble or limestone, laid in lime mortar, and the floors covered with a layer, one foot thick, of sand, previously well dried in the sun; and the rain and snow water carried off on the surface, in such a manner as that none of it should be allowed to penetrate the vaults, the only objection to interments in thickly populated cities would be removed, and the dead might be deposited in such vaults without the least danger to the health of the living. The human body, placed in such a vault after death, (in a coffin which should allow the moisture of the body to escape, and with the

lid left open,) would not decompose rapidly but gradually; and, unless the corpse was that of a person very fleshy, or of a person dying of some peculiar disease, like dropsy, the flesh would dry and become hard. Limestone and marble possess very peculiar properties. The dampness which might settle upon the surface of these stone, in a vault used for interring human bodies, would form nitrate of lime, and be precipitated to the bottom of the vault, and be absorbed by the dry sand.

I have seen bodies that had been deposited in limestone caves, and the flesh was dried upon the bones and was hard, and the general features of the person remained. The nails, hair and teeth were in a perfect state of preservation. These caves were perfectly dry. I have also seen skeletons taken from mounds which must have lain there for centuries, and these skeletons were in a good state of preservation. The mounds were of conical form and high, and the bodies were several feet above the level of the surrounding land. The shape of the mound was such as not to allow the water, accruing from melted snow or rain, to penetrate it; consequently, the bodies which it contained were kept dry, and all the moisture which they contained drained from them through the sand below and left them dry.

The Reverend Mr. Stewart, missionary to the Sandwich Islands, states that he saw a great number of human bodies, in South America, which had for years been exposed to the open air, above ground, and they had become perfect mummies, in consequence of the dryness of the atmosphere.

Clark, when he visited Egypt, found the atmosphere of the brick vaults, in which the dead had been deposited, *offensive*; but those constructed of limestone *were free from smell*.

Brick will absorb moisture, and a vault or tomb made of brick, will not only allow the surface water from rain and snow, (which, in our latitude, averages about twenty-eight inches annually,) to penetrate, but will also absorb the moisture of the bodies, and retain the same in its putrid state unchanged. Take a brick from a vault in which dead bodies have been de-

posited, and pulverize it, lixivate the powder, and the lixivium will be found to be putrid and offensive. Take a piece of marble or limestone, which has been in a like situation, and treat it in the same manner, and it will be found to yield nitrate of lime.

The ancients invariably used limestone for constructing the resting places of the dead, and such was the material of the sepulchre of the Saviour of the World.

The Pyramid, in which the body of Joseph was deposited, was made of limestone, and his bones were not removed from it for 150 years, when they were carried out of Egypt by Moses.

It is important that the burying places of the dead should be kept dry, that the rains and snow water should not be allowed to penetrate the ground occupied for graves or vaults.

Moisture and heat produce decomposition and putrefaction of both animal and vegetable substances. The earth, three feet below the surface, always contains heat. This is the reason why rain water cisterns, beneath the surface, do not freeze.

If you cut grass in summer, and expose it to the dry air, it can be preserved; but suppose you place it, green, into a damp brick vault, will it not rot? But instead of a damp brick vault, suppose you place it in a dry marble or limestone vault, will it not dry? Any substance, either animal or vegetable, will putrify in a damp brick vault.

Objections have often been made to vaults under churches. They are often constructed of brick, and are damp; and a church which is drier than the vault will attract the moisture from the vault and render it unwholesome. But to limestone or marble vaults, constructed in the manner here directed, there cannot be a single well grounded objection urged. Such vaults might be constructed in any dry sandy soil, in the centre of the most populous city on the earth, without the least detriment to the health of its inhabitants. Upon the whole, I consider the Marble Cemetery in Second Street, nearest the Bowery, as decidedly and in every respect superior to brick vaults, or vaults

constructed of any other description of stone than the limestone species, of which the marble is one; and the Cemetery between the First and Second avenues, a great improvement of the first, (inasmuch as the surface water cannot penetrate the roofs;) and the Cemetery which Mr. Nichols contemplates building, if built according to the plan herein detailed, will be entirely unobjectionable, and will afford to the living an opportunity to dispose of the dead in a manner more satisfactory, and in a way more consistent with the enlightened spirit of the age. Instead of any impediments being thrown in the way of such an undertaking, every facility ought to be afforded, to enable him to accomplish the work, and be encouraged to continue his labors. I see no possible objections to constructing this description of vaults above ground, or at least making them two tiers deep. The lower vaults would be better protected from water, and the upper ones could be made secure from the atmosphere.

These remarks have been written in much haste, and during the hurry of business; but, in the main, they contain my full views upon the subject, although a little more leisure might have enabled me to have expressed my ideas more clearly.

Very respectfully,

E. MERIAM.

New York, September 5, 1838.

STATEMENT

BY J. W. FRANCIS, M. D.

New York, Sept. 5, 1838.

To PERKINS NICHOLS, Esq.

Dear Sir,—The statement of Mr. Meriam in relation to the Marble Cemeteries is so ample and so accurate, as to supersede any further description of them at this time. I have repeatedly visited the Cemeteries since their first appropriation to the objects intended, and am most ready to assert from the nature of the soil in which they are built; the materials of which they are composed, and the masterly manner in which they have been erected, that they are admirably adapted to secure the great intentions of the projector. An acquaintance with the structure of vaults, and the manner in which decomposition goes on therein, derived from very many examinations, for a period of nearly thirty years, convinces me that the Marble Cemeteries are wholly free from the objections usually urged against such establishments in populous cities, and that the evils which are alleged to be caused by this mode of interment as generally conducted in vaults, do not apply to those which you have erected. I have never found any noxious exhalations in the Marble Cemeteries: they seem remarkable for their antiseptic properties, and their preservative powers are evinced in the extraordinary examples which they afford of sustaining the state of the physical features of the dead so long, and in re-

tarding the progress of those changes to which dead animal matter is inevitably doomed. It would swell this note to a great length to assign my reasons and detail the facts upon which this decision is made up. You may fearlessly declare to all whom it may concern, that the Marble Cemeteries and their contents can never be assigned as a cause of pestilence and death. Most respectfully,

JOHN W. FRANCIS, M. D.

STATEMENT

BY JOHN O. FAY, M. D.

TO WHOM IT MAY CONCERN.

This may certify, that on or about the 28th of August, 1838, I visited the "Cemeteries" in Second street, in company with Dr. Francis and Mr. Eben Meriam, and went into several of the vaults in which the *bodies* are deposited; through the politeness of Mr. Perkins Nichols, the inventor of the Cemeteries and vaults, with a view to ascertain their true condition whilst in the state of decomposition, and the effect that might thereby be produced upon the surrounding atmosphere. But I deem it quite unnecessary for me to attempt a detailed account of *cause* and *effect* of the decomposition of *bodies* thus situated, in limestone vaults, arched over with the same material, and covered to the depth of a foot or more with sand; and would beg to refer to the statement made by Mr. Meriam, in which he has taken a pretty broad view of all the circumstances and facts in relation to these vaults in question, and the general principles of decomposition, &c. I may add that I perfectly coincide with Mr. Meriam's views, and the opinions he has formed, so far as I have had an opportunity, from personal knowledge, to judge; and that vaults constructed as these are, in a deep sandy soil, are, to the best of my belief, a great benefit, and in no way whatsoever, an injury to any neighbor.

The Cemeteries and vaults in Second street, in my humble opinion, are *good* in the manner now constructed, in every sense of the word; and there is, or *cannot* be to any candid person

who will properly, and without prejudice, carefully examine the subject, the least possible objection to such as these; at least, so far as the health or comfort of its nearest neighbors may be concerned; but I believe there may be an improvement made, in some respects, in their construction, so that *bodies* may be preserved from decomposition a much greater length of time, and the moisture (or juices) of the bodies so completely absorbed by the peculiar properties of the limestone or marble, as to become perfectly dried and hard like an "Egyptian Mummy." But far otherwise would be my views upon this subject, were this soil of clay, hard bottom, and naturally springy and wet, and had *brick* been used instead of limestone, as most vaults are in and about this city.

Vaults constructed of brick, or used in any situation near the ground, we all know are very damp and wet, from their absorbing the moisture from the earth, and whatever is within their influence, will very soon moulder and decay; and bodies placed in a vault of this description most rapidly putrify and decompose; and without the peculiar absorbent properties of limestone or marble, the effluvia in those vaults is truly very great and deleterious. In the vaults we entered were bodies that had been deposited there from two days to as many weeks, months, and as many and more years. We opened several of the coffins in which the bodies were drying away, and to my astonishment I found no unpleasant effluvia to arise from any of them, it having been so completely absorbed by the limestone of the vault; and I have lived now going on the third year in the immediate vicinity, as near as any one; and truly I know of no objection that can justly or reasonably be urged against a Cemetery constructed as this is, and in a sandy soil. It certainly can have nothing to do with the health or comfort of any, however near its vicinity.

JOHN O. FAY, M. D.

STATEMENT

BY SUNDRY INHABITANTS.

We, the subscribers, owners or occupants of houses situated on Second and Third streets, the Second avenue and the Bowery, and backing in upon the New York Marble Cemetery, and in view of the spot contemplated to erect an addition to said Cemetery, hereby certify—

That the neat and handsome manner in which the grounds are laid out, together with the still, quiet, judicious and handsome arrangement of the affairs of the Cemetery, render it more pleasant and useful to the health and comfort of our families, than to be occupied for almost any other purpose, and should, of choice, prefer it.

NATHANIEL I. WEEKS,
JOHN O. FAY, M. D.
HENRY H. DIXTMAN,
A. NOYES,
EDWARD MARTIN,
WM. SUMNER JOHNSON,
A. O. WILLCOX,
THOMAS MASON,
T. D. WILCOX.

New York, Sept. 4, 1838.

DOCUMENT NO. 16.

BOARD OF ALDERMEN,

SEPTEMBER 24, 1838.

The following report was presented by the Commissioners of School Money, which was ordered to be printed and placed on file.

THOMAS BOLTON, Clerk.

**THE COMMISSIONERS OF SCHOOL MONEY FOR THE CITY AND
COUNTY OF NEW YORK,**

In compliance with the requirements of the Law, would respectfully

R E P O R T :

That the balance in the Mechanics' Bank at the date of their last report, was eleven dollars and seventy-eight cents, which on the seventh of July last was transferred to the Bank of the State of New York. And on the first day of June last, there

was deposited to their credit, in the Bank of the State of New York, by the City Chamberlain, thirteen thousand six hundred and sixty-eight dollars and ninety-nine cents, as the quota of State School Monies.

And on the second day of June last, was deposited in the same bank, by the Corporation of the City of New York, thirteen thousand six hundred and sixty-eight dollars and ninety-nine cents, the equivalent to the state quota. Also, seventy-two thousand six hundred and fifty-one dollars, the amount raised by special tax, less five hundred dollars, retained to meet the expenses of the Commissioners.

Making a grand total for distribution of one hundred thousand dollars and seventy-six cents, which has been paid in conformity with the Ordinances of the Corporation, designating the various societies and schools entitled to participate in the distribution as follows :

Title of the Schools.	No. of Schools	Scholars on Regis'er.	Average No. of Scholars.	Amount.
Public School Society ..	74	15,289	11,370	\$92,551 80
N. York Orphan Asy- lum	2	195	195	1,587 30
Rom. Catholic Orphan Asylum	2	153	153	1,245 42
Half Orphan Asylum...	1	78	78	634 92
Institute for the Blind...	1	25	25	203 50
Mechanics' Society	2	66	56	455 84
Harlaem.....	2	268	120	976 80
Manhattanville.....	1	94	76	618 64
Hamilton	1	32	15	122 10
Yorkville	2	194	194	1,579 16
Bal. in the Bank \$25 28	88	16,394	12,282	Balance 25 28
				\$100.00 76

The Commissioners would beg leave to note to the Superintendent and Common Council, the great improvement of the scholars in the schools of the Public School Society, as well in their appearance as in their several studies.

And that the Trustees and Teachers deserve every commendation which an unremitting attention to their several duties should ensure them.

The appearance of the scholars in the New York Orphan Asylum, at Bloomingdale, is highly creditable to the arrangement of their new building.

The same praise may be extended to the Roman Catholic Orphan Asylum, whose building and conveniences have been materially and judiciously enlarged.

The Trustees and Teachers of the Half Orphan Asylum deserve great credit for the appearance of their institution, which bids fair to rival in honorable competition its sister charities.

The Institution for the Blind evinces a progressive improvement of the pupils and care of the Teachers.

The Mechanics' School retains its high character in the ability of the Teachers, attention of the Trustees and advancement of the scholars.

The Harlaem School continues its improved character and the improvement of its scholars; but the Trustees complain of the want of necessary means, as the monies allotted to them, with their little fund in hand, is not sufficient to Teachers' salaries and the necessary incidental expenses.

The Trustees of the Manhattanville School, a most excellent establishment, complain also of want of means, having been obliged to discharge the Female Teacher, as they could not pay her salary. The Yorkville School, in a more populous neighborhood, is advancing in character as well as increasing in numbers.

The Hamilton School, though small in numbers, is very useful in its district, complains of deficiency of means.

In conclusion, the Board would respectfully renew their suggestion: Whether it would not be more in accordance with the usages and practice of the Corporation to require of each Society and School entitled to participate in the distribution, an annual estimate of the amount necessary for the support of their

several Schools, through the City Comptroller, so that the amount raised by tax might be apportioned in conformity with said estimates, they having been submitted to the Commissioners of School Money, or some competent persons to judge of their correctness, so that the various Trustees may be enabled to act with greater certainty in their various engagements.

All which is respectfully submitted.

SAMUEL GILFORD, Jun.
Chairman.

SAMUEL N. DODGE, *Secretary.*

DOCUMENT NO. 17.

BOARD OF ALDERMEN,

OCTOBER 8, 1838,

The Counsel of the Board presented the following report upon the liability of the New York Gas Company to cause mains to be laid for the purpose of lighting streets with gas, which was laid on the table and directed to be printed for the use of the members.

THOMAS BOLTON, *Clerk.*

The Subscriber, to whom was referred the annexed report of the Committee on Lamps and Gas, with directions to report his opinion on the liability of The New York Gas Company to cause mains to be laid for the purpose of lighting streets, respectfully

REPORTS :

That by the contract between the Corporation and the New York Gas Company, made the 12th May, 1823, and now existing, the Corporation granted to the Company the sole and

exclusive privilege of laying pipes in the public streets, being south of a line running from river to river through Grand street, and parts of Sullivan and Canal streets, the said Company to hold and enjoy the said rights and privileges until the 12th May, 1853, provided nevertheless, and the said grant was declared to be upon the express condition, that the said Company should, in all things keep, perform and observe the covenants, articles and stipulations in the contract mentioned and contained on their part to be kept, performed and observed. And the said Company in and by the same contract, among other things, expressly covenanted and agreed that they would, at all times, after the 12th day of May, 1828, and during the residue of said term, cause pipes of sufficient capacity to be laid, and sufficient gas supplied for lighting such streets or parts of streets, and public lamps, south of the above described line, as the Corporation should by law, or resolution, reasonably require to be lighted.

The terms of the contract are so plain and free from ambiguity, the covenants on the part of the Company so express and direct, that the subscriber cannot entertain a doubt of the liability of the Company to lay the main pipes, and to do every thing else necessary to light all streets and parts of streets south of the line aforesaid, which the Corporation by law or resolution has required since the 12th of May, 1828, or may so require during the continuance of the term aforesaid.

GEO. F. TALMAN.

October 8, 1838.





DOCUMENT NO. 18.

BOARD OF ALDERMEN,

OCTOBER 29, 1838.

Report of the Finance Committee, relative to leasing the Red Fort to Messrs. Stockton & Stevens. Laid on the table and directed to be printed.

THOMAS BOLTON, *Clerk.*

The Finance Committee, to whom was referred the petition of R. F. Stockton, for a lease of the property belonging to the city, known as the Red Fort, respectfully

R E P O R T :

That the petitioner is the President of the Delaware and Raritan Canal Company, and with the view of increasing the business of the canal, the petitioner and his associates have established a line of boats from Pottsville, in Schuylkill County, Pennsylvania, to New York, to be exclusively employed in the

transportation of coal; that they have already on the line upwards of sixty boats, and have made arrangements to have, the coming season, at least one hundred and fifty boats.

Your Committee are informed that the petitioner and his associates have made permanent contracts for the expenses of transportation of the several stages, from Pottsville to this city, so as to reduce the actual expenses for transportation to a degree of certainty not heretofore attained; and your Committee believe, that in consequence thereof, the article will hereafter be delivered to the citizens of New York, at a much less price than heretofore.

The Committee beg leave to state, that Schuylkill coal has frequently been first shipped to Philadelphia, where it has been transhipped on board of vessels bound to New York, at an expense, for labor, of fifty cents per ton; besides the loss by breakage, in handling, at Philadelphia. The prices of freight, from Pottsville to Philadelphia, as well as from Philadelphia to New York, has heretofore been dependent on the plenty or scarcity of vessels ready for freight; and the price of freight is not unfrequently double what it is at other times, and double what it ought to be, allowing a fair remuneration to the carrier. And your Committee believe that this is the principal reason why our citizens have some years been obliged to pay exorbitant prices for coal; as your Committee are informed that the prices at Pottsville seldom, if ever, vary over twenty-five cents per ton.

The petitioner avers his determination to place the article in this market, not only at prices much less than has uniformly been paid by the citizens, but at such prices as will render it the cheapest fuel in use; hoping thereby to extend the consumption, and thereby to make the tolls on the canal a source of ample and permanent revenue.

Your Committee would also mention the advantages of this enterprise to the citizens of New York, in another point of view. These boats are to be employed in the exclusive transportation of coal to New York, and have this season returned without

freight; but it is reasonable to expect, that in the course of a short time, a large part of the merchants on the line of the canal, and at Pottsville, who now make their purchases in Philadelphia, will find it for their interest to make their purchases in New York, when they find that there is a daily channel of communication from New York, and the freight of their goods home, at prices equal only to those heretofore paid from Philadelphia, as your Committee are assured will be the case.

The petitioners say that they will require daily accommodation to discharge ten to fifteen boats; and in order that they may be able to deliver coal at the lowest price, they desire such accommodation as will enable them to have control of the landing, so as always to have boats at the wharf, to deliver at the least possible expense and no delay.

Your Committee have another inducement to grant the application. It is well known to the members of this Common Council, that our wharves are now inadequate to the wants of the commercial community: and the occupation of ten or fifteen berths daily, by boats of fifty tons, will interfere materially with the accommodations of vessels of a larger class; and your Committee deem it important, not only to concentrate this new branch of trade, but also to locate it, if possible, at a point not now occupied by the shipping interest. The premises in question is now occupied as a workshop, and as such would probably command the price proposed to be charged to Mr. Stockton; but your Committee doubt the propriety of disposing of any part of the water front for that purpose, and have arrived at the conclusion that the public interest will be promoted by granting the application, and they offer the following resolution:

Resolved, That a lease of the property known as the Red Fort, with the pier leading thereto, be granted to Messrs. Stevens & Stockton, for (5) five years, from the first of May next, at a yearly rent of four thousand five hundred dollars, payable quarterly, to be used exclusively for the landing and

delivery of anthracite coal. The lease to contain the ordinary covenants to keep the premises in good repair, during the term of the lease, and deliver the same in like good repair.

EDWARD TAYLOR,
C. DE FOREST,
THOMAS G. TALMAGE,

DOCUMENT NO. 19.

BOARD OF ALDERMEN,

NOVEMBER 19, 1838.

Report of the Street Committee, on the extending and widening of Anthony street.

THOMAS BOLTON, *Clerk.*

The Street Committee, to whom was referred the annexed petition on the subject of opening Anthony street, together with the resolution offered by the Alderman of the Sixth Ward, in relation to the same subject, respectfully

R E P O R T :

That they have devoted a considerable time to the consideration of this subject, and they deem it not improper to present to the Board in this report a concise statement of facts, as they have occurred, in relation to the proceedings for opening this street.

The resolution to widen Anthony street passed the Board of Assistants October 3d, 1836, and the Board of Aldermen in April, 1837, after a very serious opposition from persons on the line of the street. Soon after the Board of 1837 was organized, an application was made to the Board of Aldermen to rescind the resolution. The Street Committee, who was charged with investigating the subject, made a report, (see Documents of the Board of Aldermen, vol. 4th, page 187,) showing that a great majority of persons interested were adverse to the opening, and offered a resolution that all proceedings be suspended for one year; which resolution was adopted, but was not concurred with in the Board of Assistants.

In August, 1838, the Commissioners completed their labors, and advertised for objections, with a notice that they would present their report for confirmation, at the September Term of the Supreme Court. Many of the persons who were assessed for benefit, as well as many who were awarded for damage, were so much dissatisfied with the doings of the Commissioners, and so satisfactorily convinced members of the Common Council, that gross injustice was about to be done them, that an extra meeting of the Common Council was called, in August last, and a resolution passed both Boards, on the same evening, in the following words:

Resolved, That the Counsel of the Corporation, or the Counsel who has the same in charge, be *directed* to postpone presenting the report of the Commissioners on the widening and extending of Anthony street, to the Supreme Court, until *ordered* by the *Common Council*.

It was supposed, by many interested, that this resolution was equal to a final stoppage of the whole matter; and those acquainted with the law, supposed that the wishes of the Common Council, so fully expressed, would have been respected by the Commissioners, and that they would not take any further action without an expression from the Common Council to that

effect; and it was not until an intimation from some one of the Commissioners, *that they were independent* of the Corporation, and were determined to present the report, that the persons interested were aware of the position in which they were placed. This discovery produced a prompt action, on the part of the persons interested; and in consequence, on the 24th of September, a large number of petitioners, comprising about 900 names, were presented to the Board of Aldermen, requesting that efficient measures might be taken to stop all proceedings.

Your Committee have examined the petitions and the list of assessments for award and benefit, and it appears that the sum awarded for damage is about 320,000 dollars, that among the petitioners are the names of persons who would receive 198,706 dollars of the awards, and they aver that the sums awarded for damages are altogether inadequate to the value of the property taken, deducting therefrom the advantage to the remainder.

Among the petitioners are found the names of persons who are assessed the sum of 140,127 dollars, all of whom aver that the sums assessed are beyond any possible advantage they can derive from the opening, and some of them aver that they have furnished to the Commissioners affidavits of the fact that the proposed opening would be of no possible advantage to their property. The petitioners averred that much of the property assessed was so situated in consequence of the embarrassments of the owners from previous assessments, that absolute ruin to the owners must follow the confirmation of the report of the Commissioners; indeed it appears from the Street Commissioner's advertisement, that *sixteen lots* included in this assessment are now advertised for sale to pay previous assessments.

It also appeared that many of those who were in favor or indifferent to the opening as appeared by the report of the Street Committee, previously referred to, were now decidedly hostile.

Your Committee have arrived at the conclusion that the assessments for benefit are beyond what the property assessed is able to bear, and your Committee understand would be a con-

clusive reason with the Supreme Court for a discontinuance of proceedings; and they are so well satisfied of this, that they recommend to the Common Council the annexed resolutions:

Resolved, That the Counsel of the Board be directed to apply to the Supreme Court for a Rule to stop proceedings in the matter of extending and widening Anthony street, and discharging the Commissioners.

Resolved, That the Comptroller be authorized to pay the expenses already incurred in relation thereto, the bills to be audited by the Finance Committees.

Respectfully submitted.

C. DE FOREST,
THOMAS LAWRENCE.

DOCUMENT NO. 20.

BOARD OF ALDERMEN,

NOVEMBER 19, 1838.

The following communication was received from the Counsel in relation to the decision of the Supreme Court in the Great Fire Cases, which was adopted.

THOMAS BOLTON, Clerk.

TO THE COMMON COUNCIL:

I have the honor to transmit herewith a list of decisions of the Supreme Court in the suits brought against the Corporation, commonly called the "*Fire Cases*," and a copy of the opinion of the Supreme Court. The proceedings in these cases were commenced in the Court of Common Pleas in pursuance of a special statute, making the Corporation of the City of New York liable for damages sustained by the "owners of, or persons having any estate or interest in" any building pulled down or destroyed, by order of the Magistrates of the City, to prevent the extension of fires. In the Court of Common Pleas, verdicts were given by the jury, and confirmed by the Court, against the

Corporation, in favor of the several persons mentioned in said list of decisions. The Corporation removed the proceedings by "*certiorari*," into the Supreme Court, for the purpose of having the decisions of the Court of Common Pleas reviewed upon important questions of law as to the true construction of the statute under which the claims were made. It will be seen by a reference to said list, that the judgments of the Court of Common Pleas were, in five cases, affirmed, and in eleven cases reversed. Two principal questions, important at least in amount, were presented on the appeal to the Supreme Court; the first, the liability of the Corporation to pay damages for the loss of property on which the parties were indemnified, by policies of insurance; and the second their liability to pay for goods in such building, not owned by the lessees, but held by them for sale on commission, or on storage. These questions were both determined against the Corporation by the Court of Common Pleas. The Supreme Court have decided the first question against, and the second in favor of the Corporation, and have reversed the judgment of the Common Pleas, in every case in which claims for damages for goods held on commission, or on storage, were allowed. In the present state of these proceedings, several questions arise as to the course to be pursued on the part of the Corporation. In the cases in which the judgment of the Common Pleas is affirmed, whether to settle and pay the amounts recovered, or appeal to the Court for the Correction of Errors. In some of the cases in which the judgments are reversed, the subscriber has reason to believe the parties will appeal to the Court for the Correction of Errors, while in others, it is probable the claimants would be willing to submit to the decision of the Supreme Court, without further controversy. In several of the latter cases, the verdict of the jury included claims, both for the goods belonging to the party in whose favor the verdict was given, and for goods held by them either on commission or on storage. In the settlement of such cases, according to the decision of the Supreme Court, the trouble and expense of a new jury trial may be saved, by the parties agree-

ing on the proper amount to be paid, and the information necessary to ascertain that amount, will be found in the testimony taken on the trials. The delay, inconvenience and almost total impracticability of consulting and obtaining a decision of the Common Council, upon these and various other questions, that must and will arise, and upon the various propositions of the several parties for compromise and settlement, have induced the subscriber to recommend the reference of this matter to the Finance Committee of both Boards, with full powers, to whom the subscriber can readily apply at all times, and to whom he can fully explain all the facts and circumstances of each and all the cases, and submit the various propositions of the parties. As these claims were established are to be paid by means of a loan authorized by law for such purpose. A resolution is added authorizing the Comptroller to sell so much of the Stock as shall be necessary, under the direction of the Finance Committee. Respectfully,

GEO. F. TALMAN.

Resolved, That the suits and claims for damages sustained by the blowing up of buildings during the great fire, be referred to the Finance Committees, together with the Law Committees of both Boards, with power to direct the further prosecution or defence of the same, or some of them, or to settle and pay the same, or some of them, and all expenses attending the same, as they, in their discretion, shall judge proper, and to direct the sale and transfer of so much of the Stock of the Fire Indemnity Loan as shall be necessary to make such payments.

Resolved, That the Comptroller be authorized to sell and dispose of so much of the Stock of the Fire Indemnity Loan, and pay such claims as the Finance Committees, in pursuance of the above resolution shall direct.

DOCUMENT NO. 21.

BOARD OF ALDERMEN,

DECEMBER 17, 1838.

The following report was received from the Superintendent of Roads, in pursuance of a resolution offered by Alderman Purdy, Dec. 3, 1838, relative to the number of men employed in each month for the last nine months by him, which was laid on the table and directed to be printed.

THOMAS BOLTON, Clerk.

To the Honorable the Board of Aldermen:

GENTLEMEN,

In obedience to a resolution of your honorable body, passed on the third of December, 1838, the Superintendent of Roads respectfully reports, that he had employed

June 1.—Overseers at \$1 62½ per day	4
Cartmen 1 62½ “ 	57
Labourers 0 87½ “ 	62
	<hr/>
Total on 1st June	123
	<hr/>

July 1.—Overseers	at \$1 62½ per day..	4
Deputy Overseers	1 25 “ ..	2
Cartmen	1 62½ “ ..	72
Labourers	0 87½ “ ..	103
Total on 1st July		<u>181</u>
August 1.—Overseers	at \$1 62½ per day..	4
Deputy Overseers	1 25 “ ..	3
Cartmen	1 62½ “ ..	79
Labourers	0 87½ “ ..	101
Total on 1st Aug.		<u>187</u>
September 1.—Overseers	at \$1 62½ per day ..	7
Deputy Overseers	1 25 “ ..	3
Blaster	1 50 “ ..	1
Cartmen	1 62½ “ ..	111
Labourers	0 87½ “ ..	161
Total on 1st Sept.		<u>283</u>
October 1.—Overseers	at \$1 87½ per day ..	7
Deputy Overseers	1 37½ “ ..	3
Blaster	1 50 “ ..	1
Cartmen	1 87½ “ ..	131
Labourers	1 00 “ ..	182
Total on 1st Oct.		<u>324</u>
November 1.—Overseers	at \$1 87½ per day ..	7
Deputy Overseers	1 37½ “ ..	4
Blaster	1 50 “ ..	1
Cartmen	1 87½ “ ..	144
Labourers	1 00 “ ..	186
Total on 1st Nov.		<u>342</u>

December 1.—Overseers	at \$1 87½ per day ..	7
Deputy Overseers	1 37½ “ ..	4
Blaster	1 50 “ ..	1
Cartmen	1 87½ “ ..	134
Labourers	1 00 “ ..	157
Total on 1st Dec.		<u>303</u>

And the Superintendent of Roads further reports, that the *third* and *eighth* avenues, *seventy-first*, *eighty-sixth*, *one hundred and twenty-fifth*, and *Manhattan* streets, are the places where the men have been employed; and that he has now no force engaged, it having been discontinued for the *present* by direction of the Street Commissioner.

And the Superintendent of Roads further reports, that he is unable to make any statement in relation to the months of *March*, *April* and *May*, as he did not receive his appointment until the month last named, and did not commence engaging men until on or about the 23d.

Respectfully submitted by

WILLIAM EDMONDS,

Superintendent of Roads.



DOCUMENT NO. 22.

BOARD OF ALDERMEN,

DECEMBER 17, 1838.

The Committee on Streets presented the following report on the subject of widening and extending Anthony street, which was adopted.

THOMAS BOLTON, *Clerk.*

The Street Committee, to whom was referred the various papers in relation to Anthony street,

REPORT:

That they have considered the object of the reference, as indicated by the Board, to be, that the Committee should examine and report to the Board the amount of pecuniary interest which might appertain to the several individuals whose names appear on the petitions last presented: and have approached the subject with that view only; having previously presented the amount of interest represented by previous petitioners and remonstrants.

The result of their investigation is as follows : There are 171 names attached to the petition, 26 of whom appear to have an interest; 7 on the list of damages, amounting to \$14,631, about \$11,000 of which appears to have been opposed heretofore; and 19 on the benefit list, amounting to \$30,853, one of whom (assessed \$270) appears at the previous investigations to have been among the remonstrants.

The Committee had intended simply to present a memorandum of the amount as represented on the last petition referred, but it may be proper to observe that the petitioners for a discontinuance have, since the last meeting of the Board, manifested a willingness to pay the expenses already incurred, and they therefore beg leave to offer the following as a substitute for the resolutions appended to their previous reports :

Resolved, That the Counsel of the Board be directed to apply to the Supreme Court for a Rule to stop proceedings in the matter of extending and widening Anthony street, and discharging the Commissioners, provided a satisfactory bond shall be filed with the Street Commissioner within thirty days, conditioned for the payment of expenses already incurred, and for discontinuance of said proceedings. The bills to be audited by the Finance Committees.

C. DE FOREST,
THOMAS LAWRENCE.





DOCUMENT NO. 23.

BOARD OF ALDERMEN,

JANUARY 2, 1839.

The Committee on Roads and Canals, to whom was referred so much of the communication of the Water Commissioners as relates to the grades and the opening of certain streets and avenues, presented the following report thereon, which was laid on the table and directed to be printed for the use of the members.

THOMAS BOLTON, Clerk.

The Committee on Roads and Canals, to whom was referred so much of the communication of the Water Commissioners as relates to the grades and the opening of certain streets and avenues, respectfully

REPORT :

That they have had several conferences with the Commissioners in relation to the subjects above named, and that from negotiations now pending between the Commissioners and the

proprietors of lands which are affected by the proposed construction of the aqueduct, they are not prepared to report with reference to the grades at this time. The Commissioners state that the line of aqueduct will occupy 85th street, from the 7th to the 8th avenue; which, with the streets bounding the receiving reservoir, situate between 79th and 86th streets, and the 6th and 7th avenues, will require to be opened. They also mention other streets and avenues, which have been ordered to be opened. The Committee concur with the Commissioners as to the expediency of opening the several streets mentioned in their communication, to enable them to proceed with their operations; and from examination, they have ascertained that resolutions have been passed by the Common Council to open all the streets and avenues desired by the Commissioners, except portions of 79th and 85th streets. The latter has been opened between the 3d and 5th avenues, and the former between the 5th avenue and the East River, and between the 9th avenue and the Hudson River. The Committee recommend that 79th street be opened, between the 6th and 9th avenues, and that 85th street be opened between the 5th and 9th avenues; they submit the subjoined resolution:

Resolved, That 79th street be opened, from the 6th to the 9th avenue, and that 85th street be opened, from the 5th to the 9th avenue, and that the Counsel of the Corporation take the proper measures to carry this resolution into effect.

R. SMITH,
JOSEPH R. TAYLOR.





DOCUMENT NO. 24.

BOARD OF ALDERMEN,

DECEMBER 31, 1838.

Report of the Committee on Public Offices and Repairs, on the petition of the American Institute, for the use of the room formerly occupied by the Court of Sessions, which was laid on the table and directed to be printed for the use of the members.

THOMAS BOLTON, Clerk.

The Committee on Public Offices and Repairs, to whom was referred the petition of the Trustees of the American Institute, asking to have the room formerly occupied by the Court of Sessions appropriated to their use,

REPORT:

That the Institute was chartered in 1829 for the purpose of encouraging industry and the Arts throughout the country. From the best information this Committee can obtain, the objects for which the charter was granted, have been pursued by

the Managers with zeal and ability. They correspond with many Institutions of a similar kind in Europe and America, from whence much valuable information has been obtained, which has proved highly beneficial to the mechanic, the manufacturer, and the agriculturist; many valuable plants and seeds have been imported and distributed without cost.

The Institute has held ten successive annual fairs in this city, where the mechanic and artizan have been enabled to exhibit the products of their workshops, and the manufacturer his wares and fabrics to an admiring public, few of whom could otherwise have become acquainted with the improvements made in all the different branches of industry, and the perfection to which our mechanics have carried the useful arts in this country. The Institute has been supported by a small surplus derived from their annual exhibitions, and the initiation fees, and yearly dues of its members, none of whom receive any thing by way of remuneration for their labors, except the President, who devotes his whole time to the interests of the Institution.

A Repository of the Arts was established by the Managers about two years ago, which now contains more than five hundred names of models of machines and specimens of workmanship; it also contains a library of about 4,000 volumes, all of which may be examined at any time free of expense.

The great increase of models, &c. have been such as to preclude the reception of them at the rooms now occupied for that purpose, for want of proper accommodation. The Managers have therefore been induced to petition the Common Council for the use of the room above named, for the purpose of affording greater facilities to those who are disposed to exhibit the efforts of their genius, and to those of the public who take an interest in the progress of the mechanic arts in our country.

The use of this room will enable the Managers of the American Institute to establish a Museum of the Arts, second to none but the Patent Office in the City of Washington; where the mechanic and the artizan may spend his leisure time with profit to himself and without expense. Many persons will be

induced to visit our city for the purpose of examining the different articles deposited here, and to obtain such information as will enable them to purchase the most improved implements used for agricultural purposes.

The Franklin Institute of Philadelphia has been largely endowed by that city and the State of Pennsylvania, and other cities have taken similar institutions under their fostering care.

The Committee offer the following resolution for the consideration of the Board :

Resolved, That the Comptroller execute a lease to the Trustees of the American Institute, for the room in the Old Alms House, formerly occupied by the Court of Sessions, for a term of five years, at a rent of four hundred dollars per annum.

R. SMITH,
J. H. COOK.

OF GREAT BRITAIN AND IRELAND
VOLUME LXXV. PART I. 1905.
LONDON: PUBLISHED BY THE INSTITUTE.
1905.

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1905.	

SEMI-ANNUAL REPORT

OF THE

WATER COMMISSIONERS,

From the 1st of July to the 31st of December, 1839, inclusive.

DOCUMENT NO. 25.

PRINTED BY ORDER OF THE COMMON COUNCIL.

1839.



BOARD OF ALDERMEN,

DECEMBER 31, 1838.

The Water Commissioners presented their Semi-Annual Report, from the 1st of July to the 31st of December, 1838, inclusive; which was laid on the table and directed to be printed for the use of the members.

THOMAS BOLTON, *Clerk.*

To the Honorable the Common Council of the City of New York:

The Water Commissioners respectfully

REPORT:

That they have deposited in the Comptroller's office, a semi-annual account current of their receipts and disbursements, from the 1st day of July, 1838, to the 31st of December thereafter. The sums total expended by them, from the commence-

ment of the operations under the "Act to provide for supplying the City of New York with pure and wholesome water," are as follows :

From July, 1835, to January, 1836,	\$ 31,828 02
" January, 1836, to July, 1836,	12,070 84
" July, 1836, to January, 1837,	28,099 58
" January, 1837, to July, 1837,	62,602 85
" July, 1837, to January, 1838,	233,856 93
" January, 1838, to July, 1838,	605,766 76
" July, 1838, to January, 1839,	984,445 70
Total,	\$1,958,670 68
Add balance to the debit of Commissioners,	4,714 44
Grand total of requisitions on Comptroller	<u>\$1,963,385 12</u>

The following is a condensed view of the several objects for which the money has been expended ; the details of which may be seen by a reference to the accounts in the Comptroller's office, referred to above :

1st. For land required for the aqueduct and reservoirs, and for rights of way and earth for embankments	\$ 54,842 08
2d. For work, &c. by contractors	904,052 64
3d. For salaries of Engineers, and incidental expenses of the corps	20,372 35
4th. For advertising, printing and stationery	408 50
5th. For salaries of Commissioners and Clerk, and their incidental expenses	4,188 65
6th. For Chancery expenses, searches in the titles of land purchased, &c.	581 48
Total as above	<u>\$984,445 70</u>

The large amount disbursed during the last six months, is an evidence that the work has progressed in a manner indicating a desire on the part of the contractors, to bring it to a close within the time specified for its completion. Such an event will be gratifying to the Commissioners, and they have no doubt, to the Corporation also. That the project will meet the anticipations of the public, when complete, both as to permanence, durability, and means of answering the purposes of its erection, there cannot be a doubt on the minds of any who have examined the structure, even thus far, in its progress.

On the 3d of July last, the Chancellor appointed William Jay, William Nelson, and Jeremiah Anderson, Esquires, of the County of Westchester, Appraisers on all the land, not previously purchased by the Commissioners, required for the CROTON RESERVOIR. The Appraisers met on the 6th of August, and completed their estimate on the 9th. The report was presented to the Chancellor for confirmation, and duly confirmed on the 27th of August.

The quantity of land taken by this appraisal was 224 acres $\frac{111}{1000}$ and the awards amounted in the aggregate to \$51,525. A good portion of this land is valuable meadow, which may account for the very high price awarded for it by the Appraisers, equal to \$229 per acre. The land was not as valuable to us however, as the high banks on some parts of the river, and for which we paid only from fifty to one hundred dollars per acre; the former being low, and of considerable extent, leaving a large sheet of water exposed to evaporation, while the latter, confined by the high banks of the river, opens to the evaporating power, comparatively, but a small surface.

John McGregory a contractor for sections 17 and 18 of the aqueduct was paid the estimated amount of his work and materials for the month of July (amounting to \$2,880) on the 2d of August, and on the same day absconded with the whole of the money, leaving his mechanics and labourers unpaid, with several debts, to a considerable amount, contracted with other persons. His surety James H. Wilner of Troy, had advanced

him a large sum for carrying on the work, and on hearing of the absconding of McGregor, he informed the Commissioners, by letter dated at Troy on the 9th of August, that it was wholly out of his power, under existing circumstances, to complete the contract made with the Commissioners by John McGregor, unless he can receive for the work to be done, a greater price than that stipulated in the contract.

The contracts contain a provision, that it shall be the duty of the Chief Engineer, to certify to the Board of Commissioners, any neglect or refusal to prosecute the work contracted to be performed; and accordingly, on the 16th of August, the Chief Engineer officially informed the Board that "John McGregor is reported to have left the City elandestinely on the same day he received the July estimate; that the work had been abandoned by all the workmen on his sections, and that nothing had since been done on the same, and consequently, the said McGregor has virtually refused to prosecute his work embraced in his contract for sections 17 and 18 of the aqueduct, and has totally abandoned the same" whereupon the Board passed the following resolutions:

1st. *Resolved*, That in accordance with the terms of said contracts, it is hereby certified and declared that the said contracts for sections 17 and 18, have been violated and abandoned by the said contractor.

2d. *Resolved*, That the Resident Engineer on the first division of the aqueduct, be instructed to have the materials and work on said sections placed in a situation of security from injury or depredation; and that he forthwith proceed to make correct measurement and estimate of the whole work performed and materials furnished, preparatory to a re-contract of the work uncompleted on the said sections 17 and 18.

3d. *Resolved*, That a copy of the foregoing resolutions be furnished to James H. Wilner, the surety of the said John McGregor on sections 17 and 18 of the aqueduct.

These resolutions were forwarded to Mr. Wilner, with the following letter:

New York, August 18, 1838.

MR. JAMES H. WILNER, at Troy, N. Y.

Sir—By direction of the Board of Commissioners, I herewith transmit a copy of the resolutions passed by them on the 17th instant, after having first read your letter to me, and those relating to your character, from Messrs Tibbits and Cushman, and hearing the report of the Chief Engineer relating to the abandoning of the work by McGregory. The Commissioners are sorry, both on their own account as well as yours, for the failure of McGregory, and would willingly mitigate the evil in your case were it proper and in their power; but acting as agents of the public, their only rule of action is, the law under which they hold their appointment, and the terms of the contracts made in conformity thereto. They will therefore, re-contract the said work, on such terms, and with such sureties, as will insure its completion; and should there be any loss or gain by the operation, the Commissioners will take such steps in the case, as the act alluded to, and the terms of the contracts may require.

STEPHEN ALLEN,

Chairman of the Water Commissioners.

No further communication having been received from Mr. Wilner, and all probability of the return of the contractor at an end, the Commissioners issued a notice on the 7th of September inviting proposals for the unfinished work on sections 17 and 18 of the first division of the Croton Aqueduct. The materials provided by the former contractor to be taken at the estimated quantity and value made by the Engineer. The work to be completed by the first of October, 1840, and the proposals to be received until the 26th of September, at 9 o'clock, P. M.

Fifteen proposals were received on the day designated ; those approved were, that made by Young and Osgood for section 17, estimated aggregate		\$31,707
And that by P. B. Byron and William Beard, estimated aggregate		13,608
Total		<u>\$45,315</u>

The estimated value of the work and materials for section 17, at McGregory's contract prices, was		\$31,004
And that for section 18, at said prices, was		14,401
Total		<u>\$45,405</u>

The contract therefore has been taken at a difference of only ninety dollars above the prices agreed to be paid McGregory ; showing, first, that the prices agreed to be paid were both fair and equitable, and that his failure was owing to bad management, and not to an under estimate of the value of the work to be performed, and materials to be furnished ; and, second, that the plan of retaining ten per cent. on the amount of work performed, is a safeguard against failure by the contractor, as in the present instance, a sum of several thousand dollars from the reserved amount on the work performed by McGregory, will be at the disposal of his creditors when the whole work on the said sections shall have been completed.

We stated in our last semi-annual report, that a circular was issued by the Commissioners, on the 15th of May last, requesting proposals for furnishing the necessary amount of iron pipes that may be wanted for the syphons in crossing Harlaem River and Manhattan Valley, and for uniting the receiving and distributing reservoirs. The proposals to be received until the 1st day of October, 1838. These circulars were extensively distributed, both in this country and in England ; and on the day appointed there were ten proposals received for furnishing the necessary castings, and from the following foundries :

From American establishments.

- 1st. The West Point Foundry Association, by William Kemble.
- 2d. The West Troy Foundry, by Chollar & Jones.
- 3d. The Albany Dry Dock Foundry, by Mellen & Battel.
- 4th. The Albany Foundry, by William Many.
- 5th. The Baltimore Foundry, by John Baker.
- 6th. The Novelty Works, New York, by Ward, Stillman & Co.
- 7th. The Foundry of Allaire, New York, by James P. Allaire.

From Foreign Establishments.

- 8th. By Boorman, Johnson & Co. as agents for a British house.
- 9th. By Hicks & Co. as agents for an extensive foundry in England.
- 10th. By J. Comrill, as agent of Reid, Irving & Co. of London.

The bid of the West Point Foundry Association was a shade lower than any of those offered, and a contract was accordingly entered into with that Corporation, protected by adequate personal security for its due performance, based upon the following provisions:

- 1st. That the West Point Foundry will furnish the whole quantity of pipes required, whether more or less than that designated in the circular, and at the dates therein specified.

- 2d. That the weight of the pipes shall not exceed one hundred pounds over and above the estimated weight; such weight to be fixed and determined by the Chief Engineer.

- 3d. That for the curved pipes of twelve inches diameter that may be required, the Commissioners will pay for the making of the patterns.

4th. That ten per cent. is to be held by the Commissioners as a retainer, until the close of each year, when five per cent. of the ten will be paid contractors, retaining only five per cent. until the whole contract shall be completed.

5th. That security, amounting to \$30,000, shall be given, to be approved by the Commissioners.

The Commissioners issued a card on the 7th of September, soliciting proposals to be received until the 23d of October following, for constructing and furnishing the materials for that portion of the aqueduct on the Island of New York, comprising sections 86 to 97 inclusive, part of the fourth division, and embracing the bridge to support the iron pipes across Harlaem River, the work to support the pipes across Manhattan Valley, the bridge over Clendining Valley, the receiving reservoir at 86th street, and the distributing reservoir at Murray Hill.

There was a favorable competition for the work, and it has been taken by the persons named below, at what is considered fair prices.

PART OF THE FOURTH DIVISION.

Section 86.	Ellsworth, Mix & Co. for syphon bridge,	
	estimated amount	\$360,000
" 87.	The same contractors	39,655
" 88.	Rutter & Carmichael	60,096
" 89.	The same contractors	68,893
" 90.	Sears & Bigham	58,170
" 91.	Robert Pettigrew, for crossing Manhat- tan Valley	142,195
" 92.	Francis Blair	80,205
" 93.	Clark & Christie	40,886
" 94.	Bishop & Campbell, for crossing Clen- dining Valley	297,980
" 95.	Byron & Bied	35,017
" 96.	Clark, Stone & Co. for receiving reser- voir	565,748

Section 97. Thomson Price & Son, for distribut-	
ing reservoir	360,710

This completes the contracts for the whole line of work under the superintendence of the Commissioners. The distance from the source, at the Croton River, to the distributing reservoir at 42d street, Murray Hill, is about forty-one miles. The longest time allowed the contractors, in which to complete their work, is to 1841; and, counting on the progress made during the last season, provided we are not restrained in our operations, we have strong hopes that the whole work will be completed at the limited period, and accordingly the agency of the Commissioners cease.

On the 23d of October the Commissioners were served with a notice from Anderson and Raymond, Esquires, Counsellors at Law, that they were retained by Francis C. Gray, Esq. of Massachusetts, to make the proper application, by bill or otherwise, to the Honorable the Judges of the Circuit Court of the United States for the Southern District of New York, in the Second Circuit, "to enjoin and restrain you the said Commissioners, your agents and contractors, and all other persons whomsoever, from so constructing the Croton Aqueduct, or any other work, upon, or over, the Harlaem River, as to impede or obstruct the navigation thereof, and particularly from filling up the channel of the said river, and that the necessary papers are now in the course of preparation."

Not satisfied with the means afforded by the law to every just claimant, the gentlemen in favor of the high and expensive structure, have resorted to other expedients to intimidate those who usually offer to contract for work of the description alluded to. The notice that proposals would be received for the works required on the Island of New York, including the bridge for supporting iron pipes across the Harlaem River, had only been published a short time, when an advertisement, addressed to MASONS, BUILDERS and CONTRACTORS, appeared in some of the daily papers, conspicuously placed, immediately

under the notice of the Water Commissioners, warning contractors against agreeing to erect the bridge proposed by the Commissioners, as every means the law would justify, would be used to prevent it, &c.

This measure, however, failed of the effect intended to be produced, as on the day designated for receiving proposals, there were ELEVEN bids, made by separate Companies, for erecting the syphon bridge. The persons to whom the contract was declared, were Lemuel S. Ellsworth, Hiram Mix, Daniel Searle, Thompson Pickins, Edward Mills, and William B. Storm. These gentlemen and their bondsmen reside in Pennsylvania, and on their arrival at their place of residence, to which they had repaired for the purpose of arranging with their sureties for executing the necessary bond, Mr. Daniel Searle, one of the contractors, received a letter from his friend, Judge Jessup, of Montrose, in the County of Susquehannah, informing him that he had just received advice from New York, of some interest and importance, if its contents be true; the substance of which is, that serious and formidable opposition will be made in proceeding to erect a low bridge over the Harlaem River, and great and strenuous efforts resorted to for the purpose of preventing any appropriation by the Common Council; that the proprietors of the adjacent land will not admit the building of a shanty, or the laying of a stone, on their premises, upon any consideration whatever; that an injunction will be obtained, when the work will be stopped, and perhaps ruin ensue to the contractors, &c.

The Judge advises his friend, before he is too far involved, to ascertain the situation of the matter, as the gentleman who wrote to him is worthy of all credit, and in a situation to know the views of the City Council, and is sure, if the low bridge is persisted in, the Councils will not make any appropriation for the work, &c. (A copy of the advertisement and letter alluded to, will be found in the appendix.)

The contractors have, nevertheless, executed the articles of agreement for the work, and given ample security for its faith-

ful performance. Both they and the Commissioners will, however, bow to the requirements of the law, but will never be forced to abandon what they conceive to be their duty to the public, by means, such as has been alluded to above. It has been their uniform wish to have the question of law settled, and they have accordingly requested the gentlemen concerned to carry it before the proper tribunal with all convenient dispatch, in order that an early decision may be had, and thus an important public work be permitted to proceed without further embarrassment.

The Commissioners have also been served with the copy of a report made to the Board of Assistant Aldermen on the 26th of November last, relative to the crossing of the Harlaem River with syphons, and not deeming themselves called on to enter into a critical examination of the several matters treated on by the gentlemen composing the Committee who made the said report, they beg leave only to notice one fact in particular, which is plainly indicated and admitted by the Committee, and in which the Commissioners unanimously concur, viz. that the high bridge for carrying the water on an inclined plane over the river, was not the plan adopted by the Common Council, and by a majority of the electors through the ballot boxes, and consequently, that the said plan cannot be carried into effect, except by further legislative authority. That the passage of the water over the river in two pipes instead of one, or the leaving the opening or archway 120 instead of 60 feet in width, and 65 instead of 16 feet in height, is not "*immaterial and necessary alterations*" in accordance with the letter and spirit of the law, the Commissioners are unable to perceive. The *material* matter is, the passage of the water by syphons of iron pipes, in contradistinction to the passage of it by aqueduct of masonry on an inclined plane, not whether it pass by one or more pipes, or whether the passage for boats or vessels shall be of less or greater dimensions, or shall be placed in the present, or some other channel of the river.

The Commissioners beg leave to make one additional remark.

The Committee seem to take it for granted that the bridge for supporting the syphons is to be built "*upon a mud flat twenty feet deep;*" but had these gentlemen examined the specification of the bridge now in the office of the Comptroller, they would have seen that all the mud was to be removed before a stone of the bridge was laid.

A few words more and the Commissioners are done. The Committee are strongly impressed with the opinion that the flow of the tide will not cut a new channel through the archway of the syphon bridge, and at the same time admit, except at slack water, that the flow of the tide through the opening at Macomb's dam, which is 220 feet wide, "*is a foaming cataract.*" This fact rather strengthens than weakens the opinion of the Engineers and Commissioners; and having no doubt on the subject, they have not deemed it necessary to state in their reports, what they have frequently done verbally, and recently, at the request of the Appraisers, in the form of resolution, viz: that if the channel should not be opened by the force of the tide, the Commissioners consider it imperative on them to cause every obstruction to be removed. The foregoing remarks are submitted with due deference for the opinion of the Committee.

The Commissioners are truly unfortunate in having met with such repeated obstacles to the progress of the work under their superintendence. They have no private or personal interest to serve, or feeling to gratify, in the operations they are engaged in, but a very responsible public duty to perform. It will not be disputed, as we presume, that it is their duty to use all reasonable economy in the expenditure of the large amount of money raised on the credit of this City for the object alluded to, especially if the permanence, durability, and object of the work is not injuriously affected by such economy. With this view, they have adopted the plan of crossing the Harlaem River with syphons of iron pipes, and for the following plain and cogent reasons:

First, because the plan submitted to the Common Council,

and afterwards to the test of the ballot boxes, was in favor of the syphon.

Second, because the Commissioners were of opinion, that the crossing in the manner proposed, is the easiest, the safest, and the most permanent and durable.

Third, because this is the unanimous opinion of the Commissioners, and of the whole corps of Engineers engaged on the works, and in this opinion they are joined by several Engineers of eminence, not connected with the operations.

Fourth, because the high arches will cost half a million of dollars more than the syphons, and will also require two or three years more time to erect them.

Fifth, because the Commissioners are advised, by Counsel learned in the law, that the Act of the Legislature authorizes the passage of the water by the plan proposed by them. (See the opinion of the Honorable D. B. Talmage, and B. F. Butler, Esquire, in the appendix.)

Sixth, because, notwithstanding these considerations, the question was submitted by the Commissioners to the Common Council, and their instructions requested; which they promised to follow, whether such instructions should be in favor of the high arches or of the syphon; but they have declined instructing them on the subject, or assuming the responsibility of changing the plan of the Commissioners; and now, believing it to be our duty to carry into effect that plan which shall require the least expenditure, and which may be completed in the shortest time, while it takes nothing from the permanence and usefulness of the object, we have adopted the plan by syphons. With these impressions, and in a firm belief in their correctness, it would be the height of impropriety in the Commissioners, under the circumstances of the case, to change or abandon the plan they have adopted; and they will therefore proceed in its execution, unless restrained by due course of law.

Application having been made to the Chancellor for the purpose, he appointed, on the 19th of July last, John L. Ireland, Thomas R. Smith, and John L. Lawrence, Esquires, Apprai-

sers on the land required for the aqueduct on the Island of New York, excepting on so much of it as belonged to the Clendining estate; in which case Samuel B. Ruggles, John L. Lawrence and John L. Ireland, Esquires, were appointed. The line of the aqueduct on the island, and the land required for its construction, was travelled over and examined by the Appraisers, for the first time, on the 23d of August; and their first meeting, on the one case, was held on the 5th, and on the other, on the 23d of September following.

On the 15th of October several of those owning land required for the aqueduct, petitioned the Chancellor to instruct the Appraisers to estimate the damage to their property, both probable as well as apparent. He accordingly passed an order or decree, to the following effect, viz.: "It is declared and adjudged to be the duty of the Appraisers, and they are hereby accordingly empowered, to ascertain and report the amount of compensation to be paid by the Water Commissioners to the owners of land required to be taken in fee or for temporary use, as the case may be, for the purposes intended by the Act; and with that view the Appraisers are to examine the property so required to be taken, and to estimate the value thereof, and appraise the damage the owner will sustain, by, and in consequence of the taking of the required property in fee, or for temporary uses as aforesaid, so far as such damage can, with reasonable certainty, be ascertained and appraised." This order, or decree of the Chancellor, is entirely new, and differs, in words at least, from that under which the former Appraisers acted. It has proved embarrassing to the Appraisers, and perhaps will be very expensive to the public.

The Commissioners were in hopes of being enabled to lay before your Honorable Body, the amount to be paid for the land required for the aqueduct, in the 12th ward of this city; but the Appraisers had not completed their awards, in time for this report. The enormous damages claimed by some of the owners, the pains taken to prove them, and the hearing of Counsel employed for the purpose, has been the means of much and

unnecessary delay and procrastination, in bringing this business to a close. A good portion of the embarrassment results from a necessary interference with the supposed grade of some of the streets and avenues, by the course of the aqueduct; and to remedy which, as the Commissioners are informed, it is the intention of the Committee on "*Roads and Canals*", to recommend to the Common Council an application to the Legislature for authority to take, by Commissioners, a piece of ground for a public square, where the greatest difficulty occurs. In the mean time, the Commissioners are experiencing serious embarrassment by the delay in not being put in possession of the required land. They supposed that, *here*, in the county where the principal benefit was to be derived, all these perplexing difficulties would cease. The appointment of the Appraisers was made on the 19th of July, as before stated; and, presuming upon the operations of those previously appointed to act on the land required in the County of Westchester, that the time necessary for making up a report in the present case would not greatly exceed that consumed in the former, the Commissioners allowed from the 19th of July to the 7th of September; on which day they issued their notice to contractors, allowing to the 23d of October for the delivery of proposals for contract; which gave rising three months for completing the awards, and for carrying the report through the necessary forms of the Court; instead of which, five months have elapsed, and the business is still unsettled. The sections, in the mean time, have been placed under contract—the contractors anxious to proceed in fulfilling the stipulations of their several agreements, and we are compelled to refuse them permission, the land required still being out of the possession of the Corporation; and how long this state of the matter is to last, cannot be conjectured, under the embarrassing circumstances in which the Appraisers are placed.

The uncommon drought which prevailed in many parts of the United States, during the last summer, will be remembered for many years hereafter. That section of the County of Put-

nam and Westchester, through which the Croton River passes, has felt the effects of the dry season full equal, if not exceeding, any other part of this State; and the river was, consequently, remarkably low. In order to test the flow of the stream, under these unfavorable circumstances, and to compare it with an unusual dry time in 1835, Horatio Allen, Esquire, our Principal Assistant Engineer, made a gauge of the running water, on the 16th of August last, at two different stations on the stream. At the first station there was found running 26,386,560 gallons, and at the second station 28,738,000 every twenty-four hours; averaging 27,584,780 gallons. This quantity, with the present population of the city, is nearly three times as much as will be required for its use. It may be within the memory of some of the members of the Common Council that, on the 5th of September, 1833, Major Douglass made a gauge of the river, and found running every twenty-four hours 51,522,486 gallons; and that Albert Stein, Esquire, also gauged the river on the 25th of the same month, when there was running 50,077,044 gallons per diem. These gauges were not taken when the water was at its least or greatest flow, but at a medium, and may therefore be considered as a fair average of what may be depended on, as there are seasons when several hundred millions of gallons pass through the Croton to the Hudson River daily. It is estimated also, that the Croton Reservoir will contain about one hundred millions of gallons to each foot in depth from the surface. The dam may be drawn down five or six feet, say five hundred millions of gallons; and in addition to this, we have 158 millions of gallons in the receiving reservoir and 19 millions in the distributing reservoir; making a total of 177 millions of gallons, exclusive of the running water, and what may be drawn from the Croton Reservoir; providing a surplus, in cases of drought, sufficient for any emergency, either probable or possible.

The dry season, however, has been favorable to the progress of the work, and we have no reason to be dissatisfied with the quantity or execution of that which has been performed. The

mason work was discontinued on the first of November, and the work secured from the effects of frost during the winter. On the 15th all the Inspectors were discharged except four, who were retained for the purpose of overseeing the laying of dry foundation wall; the progress of which may be continued, without injury, through the winter. The rodmen and axemen have also been discharged; which reduces the Engineer Corps to twenty persons, instead of thirty-six, the number employed during the summer.

In our last report we presented a brief statement of the most prominent operations on the line of aqueduct, and we now adopt the same mode, for the purpose of conveying to the public, through the medium of your Honorable Body, similar information; comprising the length of aqueduct complete, the extent of tunnel excavations, the number and capacity of culverts erected, and other information of a similar character.

The Commissioners had proceeded thus far with their report, waiting the required information from the Resident Engineers on the several divisions, for a statement of the progress of the work; but the Chief Engineer has saved them the labor of collating the various items, and has drawn up and arranged the necessary information, in a form that will perhaps be more acceptable to your Honorable Body than the restricted plan adopted by the Commissioners; and they therefore annex the report of the Chief Engineer, in his own words and figures, as follows:

“ It has been thought expedient to make a small increase in the breadth of the foundation walls, which is the only variation from the plan that our experience has thus far indicated as desirable; and it is believed the plan of work, in the main, will give the stability and permanence which its importance demands; and has, at the same time, all the economy that is attainable consistent with these essential requisites. The principal items of work done, have been ascertained by the Resident Engineers to amount as hereafter set forth, under their respective heads.

AQUEDUCT.

The masonry, and mostly the back filling over the same, has been completed for the aggregate length of 59,169 feet, or $11\frac{1}{8}$ miles.

Side walls of aqueduct are prepared to receive the brick-facing and arches for the aggregate length of 1,443 feet.

CULVERTS.

A tabular statement, giving the detail of culverts, is herewith annexed, from which the following summary has been made:

Completed.

39 of	$1\frac{1}{2}$	feet diameter, aggregate length=	2,012 feet	
8 "	2 "	" "	=	488 "
5 "	3 "	" "	=	353 "
13 "	4 "	" "	=	1,139 "
10 "	6 "	" "	=	1,040 "
2 "	8 "	" "	=	223 "
1 "	10 "	" "	=	80 "
1 "	14 "	farm road viaduct=	141	"
<hr/>				
Total	79	Total length=		5,476 "

Culverts in progress.

4 of	$1\frac{1}{2}$	feet diameter, aggregate length =	192 feet	
1 "	3 "	" "	=	92 "
1 "	4 "	" "	=	52 "
2 "	25 "	" "	=	262 "
2 "	20 "	public roads =	54	"
<hr/>				
Total	10	the total length=		652 "

VENTILATORS.

3 Ventilators completed.

5 " in progress.

WASTE WEIRS.

1 Waste weir completed.

TUNNELS.

Completed through rock 1 of 166 feet in length

" " 1 " 333 " "

" " 1 " 168 " "

 3 667=total length.
Tunnels in *progress*.

	Perforated	Length of masonry laid.
1 in earth	98 feet	72 feet
1 in earth	12 feet	
1 in earth and rock	130 feet	
1 in rock	37 feet	
1 in rock	440 feet	
1 in rock	270 feet	
1 in rock	200 feet	
	<hr/> 1187	<hr/> 72

Total length of tunnel perforated = 1,854 feet

" " " masonry laid = 739 "

FOUNDATION AND PROTECTION WALLS.

A tabular statement of the height of the several pieces of foundation wall is herewith annexed, which exhibits the height to which the work has been carried, and the total height required for wall and back filling.

Summary of principal items of work done.

Excavation—Earth, 891,200 yards

" Rock 127,157

 Total earth and rock 1,018,357 cubic yards.

Embankment 105,637 cubic yds.

Back filling 333,137 "

Total embankment and back filling 438,774 cubic yds.

Foundation wall 58,439 cubic yds.

Protection wall 36,590 "

Total dry wall 95,029 "

Hydraulic masonry in aqueduct 102,294 cubic yds.

Hydraulic masonry in culverts, &c. 13,116 "

Total hydraulic masonry 115,410 cubic yds.

There were at work on the line of aqueduct on the

25th July	.	.	.	.	3,451 men.
25th August	.	.	.	.	3,848 "
25th September	.	.	.	.	3,850 "
25th October	.	.	.	.	3,070 "
25th November	.	.	.	.	2,178 "
24th December	.	.	.	.	2,399 "

The extension of the contracts on the 4th division has been, in part, the cause of the increase in the number of men employed since the 25th of November.

An impression prevails very generally among the contractors, that the demand for men on public works next season, will exceed the supply, and consequently raise the price. This induces them to carry forward, as much as practicable, during the winter, that part of the work which admits of being done at this season; and this accounts for the continuance after the suspension of masonry, of so large a force on the line.

The work now doing consists of a small amount of masonry in the tunnels. The excavation (mostly in deep cuts and rock,) foundation and protection walls; quarrying, dressing and delivering stone. Should the remaining part of the winter be as

favorable as it has thus far been, it may be expected that the force on the line will not fall much, if any, below 2,000 men.

There have been 4 sections completed, and 6 others have their masonry completed, with the exception of a small amount that will require to be overhauled, to remedy some imperfections in the workmanship. The computations for these sections have been made out, and together with other developments, go to confirm the opinion, that the estimate of 27th December last, will be found sufficient for the accomplishment of the work.

Respectfully submitted.

JOHN B. JERVIS,
Chief Engineer N. Y. Water Works."

The result of the foregoing communication is as follows:

1st. **AQUEDUCT.** The whole length of aqueduct arched and complete, is 59,169 feet, or $11\frac{1}{2}$ miles. That completed on the first of July last was about *two* miles. The increase, in this part of the work, since our last report, is $9\frac{1}{2}$ of miles of aqueduct complete.

2d. **SIDE WALL.** The length of side wall, ready to receive the arch, exclusive of that already arched, is 1,443 feet.

3d. **CULVERTS.** There are 79 culverts completed and in use. Their aggregate length is 5,476 feet. The number completed at our last report was *twenty-two*, and their length 1825. *Increase*, 57 culverts. The number now partly finished is ten, and their length in feet 652. The number partly finished at our last report was *seven*; length 578. *Increase*, 3 culverts in progress.

TUNNELS. The number of tunnels excavated throughout is three. Their aggregate length 667 feet. There are, besides, seven tunnels partly finished, measuring 1,187 feet of excavation; making an aggregate of tunnelling of 1,854 feet. The

number complete at our last report was *three*, and the length 670 feet; together with *five* partly finished, measuring 610 feet in length; making a total of 1,280 feet. Increase in this description of the work 574 feet of tunnelling.

FOUNDATION and PROTECTION WALL. The foundation wall laid is 58,439 cubic yards, and of protection wall 36,590 cubic yards; making a total of 95,029 cubic yards. The quantity of foundation wall, laid at our last report, was 28,000 cubic yards, and of protection wall 13,160; making a total of 41,160 cubic yards. Increase since our report in July last, 53,869 cubic yards.

This is a very limited sketch of the amount of work performed as a whole, and is only intended to convey some idea of the structure and its progress. The immense labor in penetrating high hills, and in crossing deep valleys, can only be judged of by a personal view of the vast amount of labor performed by the physical strength of man.

The Commissioners have annexed, in an appendix to the report, the following papers:

- 1st. The advertisement alluded to in the body of the report.
- 2d. The letter from the Honorable William Jessup, to Daniel Searle, Esquire.
- 3d. The opinion of the Honorable D. B. Tallmadge and B. F. Butler, Esquire.
- 4th. A schedule of the land required for the Croton Reservoir, with its cost, &c.
- 5th. A statement of the agreements entered into since our last report, for right of way, embankment, &c.

All which is respectfully submitted.

STEPHEN ALLEN,
CHARLES DUSENBERRY,
THOMAS T. WOODRUFF,
SAUL ALLEY,
WILLIAM W. FOX,

} *Water Commissioners.*

*Office of the Water Commissioners,
December 31, 1838.*

APPENDIX.



The following is a copy of an advertisement which appeared in the daily papers of this city, in which the notice of the Commissioners soliciting proposals for the work on the island of New York, was published; to which advertisement was appended the names of several persons, most of whom resided in the County of Westchester.

" HARLAEM RIVER.—TO MASONS, BUILDERS AND CONTRACTORS. The Water Commissioners for the City of New York, having advertised for proposals for building " the bridge to support iron pipes across Harlaem River," which we are informed is the low bridge, we the subscribers, owners of land adjoining the Harlaem River and in the vicinity thereof, and interested in keeping the navigation of said river unobstructed ; to prevent innocent contractors being injured by an agreement to erect said bridge for the Water Commissioners, do give the public notice, that we will use every means the law will justify, to prevent any and all persons obstructing the water at the natural channel of said river, so as to prevent a free and uninterrupted passage through said channel by vessels with masts and spars of the usual and proper height and dimensions of vessels of the draft of water said channel will now permit to pass."

Copy of a letter from the Hon. William Jessup, to Daniel Searle, Esq.

Montrose, 17th Nov. 1838.

DANIEL SEARLE, Esq.

Dear Sir,—I have just received from New York, a letter of some interest and importance to you, if its contents be true, and from the high character of the gentleman whose name is attached to it, I believe it is strictly true. Feeling a strong friendship for you and the friends connected with you in the works on Harlaem, I communicate the substance of the letter. It is, that serious and formidable opposition will be made to your proceeding to erect a *low* bridge over Harlaem River; that great and strenuous efforts will be made to prevent an appropriation being made to the works; that the proprietors of adjoining lands will not admit the building of a shanty or the laying of a stone on their premises upon any consideration; that as the bridge will stop the navigation of the river, a bill is now ready drawn in an eminent lawyer's office, and will be proceeded in in the Circuit Court of the U. S. for the purpose of getting an injunction upon the contractors, Commissioners, and all concerned, to prevent the building of the bridge until the question be settled.

That such injunction would be granted, the writer of the letter supposes as certain, and as a necessary consequence, that the work must stop, and ruin perhaps ensue to the contractors.

I was not a little startled at these facts, and think, as matter of prudence, before you are too far involved, that you had better go to New York and ascertain the situation of the business. I would also suggest, that as you give security, you ought to have some sufficient guarantee against any failure

either to furnish the money or to be stopped by legal proceedings in the progress of the work.

You will be at liberty to use this letter as you please, with my assurance that the gentleman who wrote me is worthy of all credit, is in a situation to know the views of the City Councils, and he is sure if the *low bridge* is persisted in, the Councils will not make the appropriation.

Truly yours,

WM. JESSUP.

OPINION OF COUNSEL.

The Water Commissioners appointed under the Act of the Legislature of the State of New York, of the 2d of May, 1834, entitled "An Act to provide for supplying the City of New York with pure and wholesome water," have requested our opinion on the following questions: I. Whether they are authorized, by the laws now in force on the subject of their duties, to build a bridge over the Harlaem River, at the place indicated in their report to the Common Council, bearing date the 16th of February, 1835, sufficient to bear the iron pipes, or inverted syphons, proposed in that report; and leaving in said bridge an open archway, for the passage of boats and vessels of 120 feet span, and 65 feet in height above ordinary tide? And, II. Whether such bridge, if erected, can be lawfully maintained by the Corporation of this City?

The Commissioners, as we understand, have been induced to propound these questions to Counsel, in consequence of a notice which has appeared in the public prints, and by which several persons, who describe themselves as "owners of lands adjoining the Harlaem River, and in the vicinity thereof, and interested in *keeping the navigation of said river unobstructed*," give notice, that they will use every means the law will justify, "to prevent any and all persons obstructing the water at the natural channel of said river, so as to prevent a free and uninterrupted passage through said channel, by vessels with masts and spars, of the usual and proper height and dimensions of vessels of the draft of water said channel will now permit to pass."

To ascertain the powers conferred on the Commissioners, and to estimate the value of the objection implied in this notice, we must examine with care the several laws passed by the Le-

gislature of New York in relation to the supplying of the city with water, and in relation to Harlem River; and must also attend to the character and capacities of that stream for the purposes of navigation, to the actual use which has been made of it in this respect, and to the manner in which it is affected by any existing laws passed by the Congress of the United States.

I. The subject of supplying the City of New York with pure and wholesome water, had, for many years prior to 1832, occupied the attention of its inhabitants and of the Common Council. The plans suggested, previous to that time, usually contemplated the introduction of the waters of the Saw Mill or Bronx Rivers, in the County of Westchester; involving, of course, the necessity of crossing the Harlem River. In 1832 an Engineer was employed by the Common Council, to examine the route to Croton River, in the Counties of Putnam and Westchester. He reported in favor of bringing the waters of that river into the city, crossing Harlem River on an arch of 18 feet in height. In 1833 the Common Council petitioned the Legislature of New York, for an Act authorizing the appointment of Commissioners to examine and report as to the best means of accomplishing the purpose. The Act of the Legislature of New York, of the 26th of February, 1833, entitled "An Act for the appointment of Commissioners in relation to supplying the City of New York with pure and wholesome water," was passed in pursuance of this petition. By the first section, five Commissioners are to be appointed, who are required, by section 2d, "to *examine and consider all matters* relative to supplying the City of New York with a *sufficient quantity* of pure and wholesome water for the use of its inhabitants, and the amount of money necessary to effect that object."

By section 3d they are empowered "to employ Engineers, Surveyors, and such other persons, as in their opinion, may be necessary to enable them to perform their duties under the Act."

Section 4th provides "that they shall make a report of their

proceedings under the Act, which shall contain their opinion as to the *best plan* of furnishing the City of New York with a sufficient supply of pure and wholesome water, and an estimate of the expense of carrying such plan into effect. Also, the reasons and calculations upon which such opinion and estimate may be founded; and, generally, all such information, connected with the object of their appointment, as they may deem important."

Section 5th required them to present a copy of their report to the Common Council of New York, on or before the 1st of November, 1833; and to the *Legislature*, on or before the second Monday of January, 1834.

In November, 1833, the Commissioners who had been appointed under this Law, made their report to the Common Council, and afterwards *laid a copy of it before the Legislature*. In this paper they had caused surveys and examinations to be made of the Croton, Saw Mill and Bronx Rivers, together with their several tributaries; and, without actually recommending that the waters of the Croton should be taken, gave to that plan a decided preference. They stated two routes for the purpose of bringing the waters of that river and its tributaries into the city, each of which required the crossing of the Harlaem River at the same place, viz. between the Ninth and Tenth avenues and 133d and 137th streets, on the Island of New York, being about one mile above Macombs dam. (Report, p. 363.) This report was accompanied by estimates, maps and profiles, which included the crossing of Harlaem River, by an aqueduct bridge, as a part of the plan.

Upon the coming in of this report, the Legislature passed the Act of the 2nd of May, 1834, above mentioned; by the first section of which, five Water Commissioners are to be appointed, who are required, by section 2nd, "*to examine and consider* all matters relative to supplying the City of New York with a sufficient supply of pure and wholesome water for the use of its inhabitants."

By section 3d they are empowered to employ Engineers,

Surveyors, and such other persons as, in their opinion, may be necessary to enable them to perform their duties under the Act.

Section 4th provides that the "Commissioners shall adopt such plan as, in their opinion, may be most advantageous for procuring such supply of water; and shall ascertain, as nearly as may be, what amount of money may be necessary to carry the same into effect; and for such purpose they shall have power to make additional contracts, subject to the ratification of the Common Council of the City of New York, with the owner or owners of all lands, tenements, hereditaments, rights, or privileges whatsoever, which may be required according to such plan, for the purchase thereof at stated prices; which contracts shall be so drawn as to be binding upon the said owners respectively, in case the same shall be ratified by the said Common Council, within two years from the passage of this Act."

Section 5th requires them to "make report of their proceedings under the foregoing sections of this Act, containing a full statement and description of the *plan* adopted by them, an estimate of the expense thereof, together with an estimate of the probable amount of revenue to accrue to the city upon the completion of the work, with the reasons and calculations upon which their opinions and the said estimates may be founded; and all such other information, connected with the object of their appointment, as they may deem important."

Section 6th requires the report to be presented to the Common Council, together with such conditional contracts as may have been made by the Commissioners by virtue of the Act, on or before the 1st day of January, 1836.

Section 7th provides that "in case *the plan so adopted* by the Commissioners shall be approved by the Common Council," they shall submit it to the electors to "express their *assent* or *refusal* to allow the Common Council to *proceed in raising the money necessary to construct the works aforesaid*."

Section 8th declares, that "if the majority of the electors are found in favor of the measure, it shall then be lawful for the Common Council to instruct the Commissioners to proceed in

the work." The remaining provisions relate to the raising and application of the moneys, the payment of damages for land or water to be entered on in the construction of the work, the making of contracts, &c. &c.

Commissioners were appointed pursuant to the above law, who entered on their duties, and on the 16th of February, 1835, made their report to the Common Council, in which they proposed that a supply of water should be brought from the Croton River.

For this purpose two plans were stated in the report, each of which proposed the crossing of Harlaem River at the place mentioned in the former report, viz. between the ninth and tenth avenues and 133d and 137th streets. According to one plan, the river was "to be crossed by an Aqueduct Bridge of 1188 feet in length and 126 feet in height." Another was, "to substitute inverted syphons in the place of aqueducts." The latter mode was stated to be much the least expensive, and the difference was said to be so great, "that in the opinion of the Commissioners, *it ought to be adopted*, unless there should appear to be more serious objections to the plan than any they had as yet heard." They therefore proposed that the Harlaem River should be crossed "by inverted syphons of wrought iron pipes of eight feet diameter."

This report was accompanied, among other things, by drawings of the high aqueduct bridge, and also of a low bridge for the syphons. The latter of these drawings being that prepared by John Martineau, Esq. exhibited a bridge of the height of thirty feet above tide water, with an arch-way of sixty feet span, and sixteen feet high. This drawing, with Mr. Martineau's description thereof, is to be regarded as a part of the report, and as descriptive of the plan recommended by the Commissioners.

The report of the Commissioners was referred to a Committee, who reported to the Common Council, on the 4th of March, 1835, two resolutions, the first *approving* the plan adopted by the Commissioners as described in their report; and the second

referring the subject to the electors at the ensuing annual election, as required by the Act of May 2d, 1834. These resolutions were adopted by the Common Council, and at the then next election, the subject having been duly submitted to the electors of the City and County of New York, a majority of the voters were found to be in favor of the measure. Thus authorized, the Commissioners immediately commenced the preparatory measures for the construction of the work; and in the year 1835 entered on its execution. During the Legislative Session of 1836, two Acts were passed recognizing its progress, and affirming the authority of the Corporation and the Commissioners to proceed in it.

The first of these acts was passed the 11th of May, 1836, and is entitled "An Act to permit the Water Commissioners of the City of New York to construct their aqueduct through the State Prison Farm at Mount Pleasant;" the other on the 25th of May, 1836, and is entitled, "An Act to amend an Act entitled "An Act to provide for supplying the City of New York with pure and wholesome water, passed May 2d, 1834." This latter law relates chiefly to lands which may be taken in the County of Westchester for the purposes of the aqueduct; but both proceed on the assumption, that the Commissioners, the Common Council, and the electors had done all that was necessary to authorize them to proceed with the work and every part of it.

Upon these several Acts of the Legislature, the proceedings of the Common Council, and the vote of the electors, we are of opinion, that no further legislation is necessary to authorize the construction of a bridge over the Harlem River for the purpose of carrying the proposed aqueduct across that stream; and that the Water Commissioners have authority, so far as such authority can be conferred by the Legislature of this State, to build, at the place proposed in their report of February 16th, 1835, a bridge for that purpose, of the general form and structure stated in their report and in the above question, and of a

height not less than that indicated in the drawing of Mr. Martineau.

Each of the several plans proposed to the Corporation and referred to in their applications to the Legislature, contained distinct propositions for crossing Harlaem River; and indeed it was obviously impossible that water could be brought *into* the City for the supply of its inhabitants, from the adjoining County of Westchester, or beyond it, without bringing such water across this stream. And by the approval of the Common Council and the vote of the electors, the particular mode of crossing the river by inverted syphons, on a low bridge, recommended by the Commissioners in their report of February 16th, 1835, was adopted, as the plan or mode for effecting this purpose, with the qualification suggested by the Commissioners; that is to say—unless the Commissioners should find, on further examination, that there were serious objections to the measure.

In their report, the Commissioners did not particularly speak of the width or height of the opening to be provided for the passage of boats and vessels; nor was it necessary that they should do so. Details of this nature were properly left to be settled when the time should arrive for the construction of the work, and are to be arranged according to a sound discretion, to be exercised by the Commissioners, in reference to the exigency of the case, and the rights of the public and of individuals in the navigation of the river. The only difference between the bridge described in the above question, and which the Commissioners propose to build, and the low bridge mentioned in the report, and indicated in the drawing and description of Mr. Martineau, as we understand, is, that the Commissioners propose a *higher* bridge and one with greater facilities for navigation than the one described by Mr. Martineau. There is therefore no room for objection to the work which the Commissioners have in view, provided the Legislature of New York were competent to authorize it. That they were so, as between the State and its own citizens, independently of the Constitution of

the United States, and the action of Congress, we regard as indisputable. Whether any valid objections are to be derived from those sources, will be considered under the next head.

II. The second question involves two points; first—whether the authority thus conferred by the Legislature of the State of New York, on the Water Commissioners, is consistent with the rights of the Federal Government and of the public, in the navigation of Harlaem River; and secondly—whether if it be now lawful to erect the proposed bridge, the right to maintain it can be hereafter impaired by any future action of Congress. We have carefully considered both these points, and are of opinion, that the State Laws in question are not repugnant to the Constitution of the United States, nor to any Act of Congress; and that the bridge proposed to be erected will be a lawful structure, and not liable, either now or hereafter, to be interfered with by any action of the Federal Government.

The Harlaem River is an arm of the sea, in which the tide ebbs and flows, and which, in its natural state, was navigable from its mouth to Fordham, near Kingsbridge, by vessels of twenty or thirty tons burthen. As such it might, undoubtedly, have been subjected to legislative regulation by Act of Congress, in execution of that part of the Constitution which gives the Congress power “to regulate commerce with foreign nations, and among the several States.” And had any law been actually passed by Congress, with which the erection of the proposed bridge would come in conflict, the State Law, authorizing the bridge, would, to the extent of such conflict, be unconstitutional and void; and any bridge erected by virtue thereof, would, of course, so far as such conflict existed, be an unauthorized and illegal erection. But Congress has never passed any Act whatever, in relation to the Harlaem River. Its power to regulate commerce, so far as regards this stream, is yet in a dormant state; and in such a case, it has been decided by the Supreme Court of the United States, that the erection, under a State Law, not merely of a bridge affording facilities for navigation, but even of a dam *which entirely stops a navi-*

gable water, is not repugnant to the constitution of the United States. (*Wilson and others, v. the Black Bird Creek Marsh Company.* 2 Peters, 245.) It was said by Chief Justice Marshall, in delivering the opinion of the Court in the case referred to, that, although the measure authorized by the State Law, (a dam across a navigable creek in the State of Delaware,) must be supposed to abridge the rights of those who had been *accustomed to use the creek*, yet such abridgment, unless it come in conflict with the Constitution, or a Law of the United States, must be regarded as an affair between the State and its citizens; and the decision was, that as Congress had passed no Act in relation to the creek in question, the State Law was constitutional and valid. Even, therefore, if it were admitted that the proposed bridge, if erected, will, in some degree, impair the navigation of which the Harlaem River is now capable, and interfere, in some degree, with the navigation to which it has, at some time, been applied; yet, as there has been no Act of Congress in relation to this river, we are of opinion that the bridge may lawfully be erected. This is the necessary effect of the decision in 2d Peters, which was made on full consideration, and has been since recognized and followed in the State Courts, and also in those of the United States; and which, in our judgment, stands on the most reasonable and solid grounds. In point of fact, however, according to the statements made to us, as hereinafter mentioned, the navigation to which the Harlaem River has been actually and usually applied, will not be impaired by the erection of the proposed bridge; inasmuch as the opening to be left in it, will allow a free passage for all such boats and vessels as have been accustomed to pass at the place where it is to be erected.

Whether the dam, the validity of which was drawn in question in the case reported in 2d Peters, could be maintained, in case Congress should afterwards pass a law inconsistent with such an erection, was a point which did not arise in that case, and on which no opinion was expressed; nor are we aware of any case involving such a question, or shedding much light

thereon. It would seem, however, to be due to the State Governments, that laws passed by them, in national legislation, and which laws are therefore valid when enacted, and are, in good faith, carried into effect, shall not be rendered void by any subsequent legislation on the part of Congress. If a bridge, dam, or other erection has been lawfully made, in pursuance of such a law, we are inclined to think, that the right to maintain it, in the manner, and for the period authorized by the State Law, cannot be impaired by any law of Congress, subsequently passed. Especially may it be supposed must this be the rule, when the State Law, as in the present case, is passed for the purpose of promoting the health and comfort of the inhabitants of the State, in a matter which exclusively belongs to the States, as a part of their original sovereignty, not devolved in the Federal Government. But however this may be, we have no doubt the bridge proposed to be erected across Harlaem River, by the Water Commissioners, may be lawfully maintained, even though Congress should hereafter legislate on the subject, in a way repugnant to the existence of such bridge. We place this latter opinion on the ground, that, as the facts are stated to us, the proposed bridge will not interfere with any navigation which has ever been carried on upon the Harlaem River; or of which that river, in its natural condition, is capable. We understand that there has never been any navigation of this river above Macomb's dam, except that during the revolutionary war, a few small vessels occasionally went as far up as Fordham dock. Below the dam, the navigation has also been confined to vessels of light burthen and to boats, the largest of which, as we are informed, could easily and conveniently pass under the proposed bridge. In connexion with these facts we are also referred to various Acts passed, from time to time, by the Legislature of this State, in relation to this river, in all of which it is treated as being only capable of a limited species of navigation.

By the Act of the 31st of March, 1790, Lewis Morris and his heirs or assigns were authorized to build a bridge from

Harlaem, across Harlaem River, to Morrissania. In this bridge there was to be an opening between the centre arches, of not less than twenty-five feet, over which there was to be a draw of not less than twelve feet, for the passage of vessels with fixed standing masts. John B. Coles having become the assignee of Morris, the Legislature, by an Act passed the 24th of March, 1795, authorized him to build a *stone dam* across the Harlaem River, as the foundation of the bridge, and for the purpose of erecting mills thereon; with a condition that he should construct and keep in repair a lock *eight feet in width* and forty in length, and so constructed that a vessel drawing *two feet* water might, at low water, enter the lock. Coles did not think proper to avail himself of the privilege of building the dam; but, in 1797, built a bridge, as authorized by the Act of 1790; which bridge has been, ever since, and yet is, kept up.

By the Act of the 8th of April, 1813, Robert Macomb was authorized, on first obtaining the consent of the Corporation of New York, to build and maintain a dam across Harlaem River, at a place below the point selected by the Water Commissioners for the erection of their aqueduct bridge; which dam was to be so constructed as to "admit the passage of *boats and vessels* accustomed to navigate the same, by means of a *good and sufficient gate, lock, apron, or other contrivance,*" which was constantly to be kept in order by him and his assigns.

The foregoing Acts evidently proceed on the assumption, that the Harlaem River, even at and below Macomb's dam, which is *below* the place at which the Water Commissioners propose to cross it with their aqueduct bridge, is only capable of being navigated by small vessels and boats; and such, as we are informed, is its true character. Its natural capacities for navigation, from Macomb's dam to the Hudson River, are stated to be still less. We understand, that before any obstructions were erected at Kingsbridge, only very small boats could pass through to the Hudson River; and for many years past, this has been, and yet is, wholly prevented by the mills erected at that bridge. How long these mills have been in existence,

is not distinctly stated to us ; but it appears that the bridge was erected before 1730, it being spoken of in the City Charter of that year. It never had a draw, nor any other arrangements for facilitating navigation. There is also another bridge, but a short distance below Kingsbridge, which likewise has no draw, nor any other facilities for navigation, and which has been in existence for many years. In consequence, as we understand, of the natural defects of this part of the stream, and of the various erections above mentioned, two Companies have been incorporated by the Legislature of this State, one in 1826 and the other in 1827, with authority to make canals to open a navigation along the Harlaem River, and from the waters thereof to the Hudson.

Assuming, then, as we are informed is the fact, that the proposed bridge, if erected on the plan proposed by the Commissioners, will not interfere with any such navigation as the public have ever been accustomed to carry on upon the Harlaem River, or of which that stream, in its natural condition, has ever been capable, we are of opinion, not only that the bridge may lawfully be erected, but that the right of the Corporation of New York to maintain it, according to such plan, can never be impaired or affected by any future legislation of Congress in relation to these waters.

DANIEL B. TALLMADGE,
B. F. BUTLER.

New York, December 20th, 1838.



In our last semi-annual report we inserted a schedule of all the land purchased or taken by appraisal in the name of the Mayor, Aldermen and Commonalty of the City of New York on the line of aqueduct in the County of Westchester; and we now are enabled to annex a similar schedule of the land, also acquired by purchase or appraisal, around the *Croton Reservoir*. The first column contains the names of the persons from whom acquired; second, the quantity of land; third, the amount paid therefor; fourth, the date when paid; and fifth, the date when the deed was deposited with the Comptroller.

CROTON RESERVOIR.

Names of Persons from whom purchased or taken by appraisal.	Quantity of Land.	Amount paid therefor.	Date when paid.	Date when Deed was delivered to the Comptroller.
John Griffin . . .	23.300	\$1,850 00	Oct. 11, 36	Nov. 1, 36
Henry Griffin . . .	7.250	578 12	Dec. 1, 35	Feb. 22, 36
William Flewwelling . .	9.700	1,600 00	Nov. 20, 35	Mar. 30, 36
Robert Flewwelling . .	46.130	8,600 00	Sept. 18, 38	Oct. 25, 38
Isaiah Flewwelling . .	26.530	6,750 00	Sept. 18, 38	Oct. 25, 38
Jonathan Reynolds . .	8.970	1,136 65	April 27, 38	May 17, 38
Silas Gregory . . .	13.950	3,150 00	Sept. 18, 38	Oct. 25, 38
Lockwood Reynolds . .	22.510	5,625 00	Sept. 18, 38	Oct. 25, 38
Heirs of William Green	45.180	7,700 00	Oct. 22, 38	
Carried over . . .	203.520	\$36,989 77		

Names of Persons from whom purchased or taken by appraisal.	Quantity of Land.	Amount paid therefor.	Date when paid.	Date when Deed was delivered to the Comptroller.
Amount brought forward	208.520	\$36,989 77		
James Kipp . . .	4.240	402 80	April 27, 38	May 17, 38
Jesse Lounsberry . . .	14.650	879 00	Nov. 12, 35	Feb. 22, 36
Asbury Elliott . . .	7.720	694 80	April 19, 38	May 17, 38
William Olmsted . . .	2.989	193 70	April 30, 38	May 17, 38
Robert H. Lounsberry	9.630	866 70	April 27, 38	May 17, 38
Zilla & Zilpah Higgins	6.060	393 90	Nov. 11, 35	Dec. 8, 35
Whiting Raymond . . .	18.000	1,170 00	Oct. 2, 35	Dec. 8, 35
Israel Lyon . . .	5.330	266 50	Oct. 19, 35	Dec. 8, 35
Solomon Haines and } others . . . }	3.120	202 80	Oct. 22, 35	Dec. 8, 35
Moses Sutton . . .	27.560	6,000 00	Sept. 18, 38	Oct. 25, 38
Daniel Sutton . . .	18.140	4,500 00	Sept. 18, 38	Oct. 25, 38
Friends' Meeting House	1.000	1,050 00	Oct. 9, 38	
Heirs of Henry Purdy . . .	22.750	4,000 00	Oct. 9, 38	
Stephen Purdy . . .	0.175	700 00	April 15, 36	July 20, 36
Squire Wood . . .	0.118	150 00	Feb. 23, 36	July 20, 36
Catharine Craft . . .	0.200	150 00	Nov. 2, 35	Dec. 8, 35
Cornelius F. Ferris . . .	6.920	4,000 00	Oct. 20, 35	Dec. 8, 35
Monmouth Miller . . .	23.440	2,364 00	Sept. 19, 35	Dec. 8, 35
Joseph R. Hyatt . . .	6.060	3,750 00	April 30, 38	May 17, 38
Daniel Baker . . .	0.200	275 00	Oct. 23, 35	Dec. 8, 35
Estate of David D. } Webber . . . }	7.690	1,800 00	Oct. 31, 35	Dec. 8, 35
Solis Vantine . . .	0.300	800 00	Oct. 22, 35	Dec. 8, 35
Robert Flewwelling, jun.	6.640	4,150 00	Oct. 8, 38	
Isaac L. Tompkins . . .	9.580	651 44	Oct. 29, 35	Dec. 8, 35
William Ricketts . . .	23.710	1,385 50	May 19, 36	Aug. 27, 36
Wilhelmus Garretson . . .	105,000	8,000 00	July 11, 35	Sept. 14, 35
Acres	534.742	\$85,785 91		

The following agreements have been entered into since our last report, for the right of way, and for earth required for embankments where the earth excavated on the line is insufficient for the purpose; and also for the use of land to deposit materials, &c. viz:

Abraham Valentine, for a right of way . . . \$100
Stolting Kouni and others, for a release from constructing a road over the aqueduct . . . 400

Carried up \$500

	Brought forward	\$500
<i>Richard Palmer</i> , for earth to be used for embankment		100
<i>Joseph A. Constant</i> , for a right of way		150
<i>Catherine Robert</i> and others, for a right of way and ground on which to deposit materials		90
<i>Warner Wiltsie</i> , for earth to be used for embankment		250
<i>James Acker</i> , for a release from constructing a drain on his farm		100
<i>Mapes & Brothers</i> , for earth to be used for embankment		750
<i>Lemuel Wells</i> , for land to be used as a road, and for the deposit of materials and surplus earth, rent per annum		225
		<hr/>
		<u>\$2,165</u>



DOCUMENT NO. 26.

BOARD OF ALDERMEN,

JANUARY 14, 1839.

Report of the Finance Committee on the Comptroller's estimates of Receipts and Expenditures for 1839. The first resolution was adopted, the papers laid on the table, and directed to be printed for the use of the members.

THOMAS BOLTON, Clerk.

COMPTROLLER'S OFFICE, DEC. 24, 1838.

To the Hon. the Common Council of the City of New York.

The undersigned, in obedience to the Law creating a Department of Finance, and prescribing the duties of the officers thereof, has the honor to present an estimate of the receipts and expenditures for the year 1839, by which it will be seen that the sum of \$1,186,750 will be required for the tax of 1839.

There appears to be a diminution from the amount required for last year of \$136,680.

It is with pleasure that I state, that there appears to be a desire on the part of the Common Council and of its officers, to reduce the expenditures of the City; this subject will be treated of more fully in the next Annual Report. As there may be errors of judgment, either in my own calculations or in that of the heads of departments, from whom part of the information is derived, and as it is a subject of great importance to be correct in this matter, I would respectfully ask a reference to the Finance Committees of the accompanying papers, and also the Ordinance making appropriations for the year 1839, before whom I shall be able to make such written and verbal explanations as will produce a satisfactory report from said Committees. Respectfully submitted.

D. D. WILLIAMSON, *Comptroller*.

Estimated amount of Receipts for 1839.

For commutation of Alien Passengers	. . .	\$ 12,500
Intestate Estates	. . . . .	3,000
Mayoralty Fees	. . . . .	1,250
Tavern and Excise Licenses	. . . . .	33,000
Rents (Treasury)	. . . . .	130,000
Arrears of Taxes	. . . . .	100,000
Auction Fees	. . . . .	10,000
		<hr/>
		\$289,750
		<hr/>

Estimated Amounts to be raised by Tax for 1839.

For Alms House, &c.	\$240,000
Board of Health	14 00
Charities	5,000
Cleaning Docks and Slips	15,000
Coroner's Fees	5,500
Cleaning Streets	103,000
Courts	35,000
Docks and Slips	132,500
Elections	10,000
Fire Department	50,000
Interest	100,000
Justices' Courts	8,000
Lamps and Gas	105,000
Lands and Places	62,500
Markets	30,000
Penalties	2,500
Police	20,000
Printing and Stationery	25,000
Public Reservoir	7,500
Repairs and Supplies	25,000
Roads and Avenues	95,000
Streets opening	40,000
Street expenses	50,000
Salaries	60,000
Watch	230,000
Wells and Pumps	6,000
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	<u>\$1,476,500</u>

A LAW

MAKING APPROPRIATIONS FOR THE YEAR 1839.

Be it ordained by the Common Council of the City of New York, that to defray the expenses of the City and County of New York for the year one thousand eight hundred and thirty-nine, the following sums be, and the same are hereby appropriated for the payment under the heads of accounts herein respectively named.

APPROPRIATIONS.

Alms House	150	\$250,000
Bonds payable	—	800,000
Board of Health	—	12,500
Cleaning Docks and Slips	—	15,000
Courts	235	38,000
County Contingencies	—	30,000
Commutation Alien Passengers	—	100
Coroner's Fees	—	5,500
Cleaning Streets	100,000	150,000
Charities	2500	5,000
Charges on Arrears of Taxes and Assessments	—	2,500
Elections	—	7,500
Intestate Estates	—	3,500
Docks and Slips	100	132,500
Interest	✓	100,000
Fire Department	✓	50,000
Justices' Courts	✓	16,000
Liens on lots	0 ✓	8,000
Carried forward		<u>\$1,626,100</u>

Brought forward	.	.	.	\$1,626,100	
Levyng Tax	.	.	.	12,000	✓
Mayoralty Fees	.	.	.	150	✓
Public Schools	.	.	.	90,000	✓
Fencing Lots	.	.	.	1,500	✓
Lands and Places	.	.	.	10,500	✓
Lamps and Gas	.	.	.	105,000	✓
Markets	.	.	.	20,000	✓
Penalties	.	.	.	3,000	✓
Printing and Stationery	.	.	.	20 — 25,000	
Police	.	.	.	30,000	✓
Roads and Avenues	.	.	.	50,000	✓
Repairs and Supplies	.	.	.	20,000	✓
Salaries	.	.	.	60,000	✓
Streets, opening and paving	.	.	.	400,000	✓
Street Expenses	.	.	.	150,000	✓
Watch	.	.	.	230,000	✓
Tavern and Excise Licenses	.	.	.	1,500	✓
Wells and pumps	.	.	.	10,000	✓
Public Reservoir	.	.	.	7,500	✓
Errors and Delinquencies on Taxes	.	.	.	400	✓
				<u>\$2,752,650</u>	
Amount added on charges on Arrears of Taxes				} <u>7,500</u>	
and Assessments	.	.	.		
				<u><u>\$2,760,150</u></u>	

The Joint Committee on Finance, to whom was referred the communication of the Comptroller, with his Estimate of Receipts and Expenditures for the year 1839, respectfully

REPORT:

That it appears by his report that the expenditures for 1839 are estimated at	\$1,476,500
The receipts for 1839 are estimated at	289,750
Balance to be raised by tax to defray the expenses of the City for the year 1839	<u>\$1,186,750</u>

He also presents his Annual Appropriation Bill for 1839, which amounts to \$2,760,150

By a table which is herewith submitted, it will be seen that the amount of estimated receipts for 1839, deducted from the tax is . \$289,750
 Estimated receipts not deducted from the tax, but from the appropriation, is 84,000

It will be seen that the amount of appropriations which come under the law to raise money by tax, is \$1,448,250

And the amount to pay the loans in anticipation of the Taxes, Charges on Arrears of Taxes. Liens on Lots. Fencing Lots. Streets opening and Paving, is for moneys which are paid in the Treasury, and the Common Council are merely the Trustees to receive and disburse the same.

The amount appropriated for Public Schools is the amount directed by laws now in force to be raised on the City, and the amount for levying tax is included in the Tax Laws \$1,311,900

The whole of the appropriation is therefore . \$2,760,150

And the whole amount required to be raised by tax for 1839 is \$1,200,000, being \$100,000 less than was required for the year 1838.

Your Committee therefore recommend that the report as made by the Comptroller be accepted, and accordingly offer the following resolutions:

Resolved, That the Counsel of the Corporation be directed to prepare a bill and cause the same to be presented to the Legislature in the early part of the Session, authorizing the Corporation to raise by tax on the Real and Personal Estates, liable to taxation in this City, the sum of twelve hundred thousand dollars, and such further sum as may be necessary to cover the errors and delinquencies in the tax of 1838, and also the expenses contingent on levying the said tax.

Resolved, That the Appropriation Bill as presented be accepted.

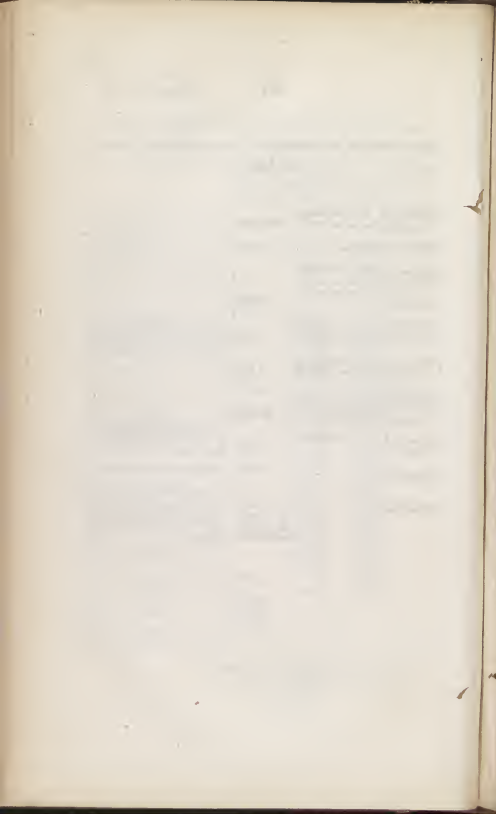
EDWARD TAYLOR,	}	<i>Joint Committee on Finance.</i>
THOMAS G. TALMAGE,		
ELLIS POTTER,		
ABEL T. ANDERSON,		

*Table of estimated Receipts, Taxes and Appropriations,
FOR 1839.*

	Estimated Receipts for 1839.	Am't of tax to be levied for 1839, after deducting es- timated Re- ceipts.	Appropri- ations required for 1839.	Estimated Receipts not to be deducted from Tax levied.
Alms House, Bridewell and Penitentiary . . .		\$240,000	\$250,000	\$10,000
Board of Health . . .		14,000	12,500	
Cleaning Docks and Slips . .		15,000	15,000	
Courts		35,000	38,000	3,000
Commutation of Alien Pas- sengers	\$12,500		100	
Coroner's Fees		5,500	5,500	
Cleaning Streets		103,000	150,000	47,000
Docks and Slips		132,500	132,500	
Charities		5,000	5,000	
Elections		10,000	7,500	
Fire Department		50,000	50,000	
Interest		100,000	100,000	
Intestate Estates	3,000		3,500	
Justices' Courts		8,000	16,000	8,000
Lamps and Gas		105,000	105,000	
Lands and Places		10,500	10,500	
Stuyvesant Square		52,000		
Mayoralty Fees	1,250		150	
Markets		30,000	20,000	
Penalties		2,500	3,000	
Police		20,000	30,000	6,000
Printing and Stationary . . .		25,000	25,000	
Public Reservoir		7,500	7,500	
Repairs and Supplies		25,000	20,000	
Roads and Avenues		95,000	50,000	
Salaries		60,000	60,000	
Streets—Opening and Paving .		40,000	40,000	
Street Expenses		50,000	50,000	
Watch		230,000	230,000	
Tavern and Excise Licenses .	33,000		1,500	
Wells and Pumps		6,000	10,000	
Rents (Treasury)	130,000			
Arrears of Taxes	100,000			
Auction Fees	10,000			
Charges on Arrears of Taxes and Assessments				10,000
	\$289,750	\$1,476,500	\$1,448,250	\$84,000
		289,750		
		\$1,186,750		

Appropriations for which no Tax is to be levied under the Law.

Bonds payable, borrowed in anticipation of taxes for 1838 .	\$800,000	
County Contingencies . . .	30,000	
Charges on Arrears of Taxes and Assessments, to be returned to the Treasury when collected	10,000	These amounts are paid into the City Treasury by owners of Property assessed.
Liens on Lots to be returned to the Treasury when collected	8,000	
Fencing Lots to be returned to the Treasury when collected	1,500	
Streets opening and paving (in trust) to be returned to the Treasury when collected .	360,000	
Errors and Delinquencies in Taxes	400	Charged to each ward, as the errors are corrected by the Common Council.
Levying Tax	12,000	Under the General Tax Law
Public Schools	90,000	Laws of the State, directing 4-50ths of one per cent. to be raised by the City for the support of Common Schools.
	<u>\$1,311,900</u>	



DOCUMENT NO. 27.

BOARD OF ALDERMEN,

JANUARY 14, 1839.

The Committee on Laws, &c. to whom was referred the petition of inhabitants of the 16th ward, praying that the seat of Wm. W. Holly may be vacated, presented the following report thereon, which was laid on the table.

THOMAS BOLTON, Clerk.

The Committee on Laws and Applications to the Legislature, to whom was referred the memorial of inhabitants of the 16th ward, praying that the seat of William W. Holly may be vacated, and that a new election may be held to supply the vacancy,

REPORT:

That they have been attended by the petitioners and by Mr. Holly; that on the part of the petitioners it has been established to the entire satisfaction of the Committee, that some time about

the day of November last, Alderman Holly removed his family from the 16th ward to the State of Connecticut, where they now reside; that previous to the removal Mr. Holly, in writing, announced his intention to rent the house occupied by him, and offered for sale all or any part of his furniture, that he might thereby have a less quantity to remove; that he rented the house in which he then lived, and requested his agent to dispose of, or let or lease a house in the 12th ward, which he had been building, for a place of residence, or to exchange the same for other property. Mr. Holly has stated to the Committee that he had so moved his family, but that the term of their residence in Connecticut had not been fixed, but remained to be determined by circumstances; that he had not intended by removing his family to vacate his seat in the Board, but intended to attend to the duty of his office as Alderman, and that he actually had a place of residence and a place of business in the city.

By the 37th section of tit. 6 of chapter 5, part 1st, Revised Statutes, 2d edition, page 112, it is provided that every office shall become vacant on the incumbent's ceasing to be an inhabitant of the State, or if the office be local of the District, County, Town or City for which he shall have been chosen.

By the 11th section of the Charter, authority is given for a new election where an Alderman removes out of the City.

And by the Amended Charter of 1830, sec. 6, there is a similar provision.

The Committee are unanimously of opinion that under the circumstances of the case Mr. Holly must be considered as having removed from the City, and that in stating "that by changing the place of his residence he did not intend to vacate his seat," he only shows that he was under a misapprehension of the existing provisions of the law above referred to.

The Committee are further of opinion that, as the annual election will take place within about eighty days, it would be an unnecessary charge upon the public to order a new election

to supply the vacancy, and as the petitioners have not urged their application on that point, they deem it to be inexpedient.

Resolved, That by the removal of William W. Holly from the City of New York, his seat as a Member of the Board of Aldermen has become, and is hereby declared to be, vacated.

All which is respectfully submitted.

JAMES LYNCH,
JOSEPH R. TAYLOR.



DOCUMENT NO. 28.

BOARD OF ALDERMEN,

FEBRUARY 6, 1839.

The following Report was received from the City Inspector, in obedience to a resolution calling upon him to report the amount paid by his Department for removal of dead animals and other nuisances from the streets, which was laid on the table and ordered to be printed.

THOMAS BOLTON, Clerk.

Resolved, That the City Inspector report to this Board the amount paid by his Department for the removal of dead animals, and other nuisances, from the streets in each of the several wards during the two past years, and also whether, in his opinion, the same may not be reduced or entirely abolished.

BY ELLIAH F. PURDY.

CITY INSPECTOR'S OFFICE, February 6th, 1839.

To the Honorable the Board of Aldermen:

The City Inspector, to whom was referred the annexed resolution to report the amount paid by his Department for the

removal of dead animals and other nuisances from the streets in each of the several wards during the two past years, respectfully Reports the annexed Schedule containing the information required.

In answer to the second part of the inquiry "Also whether, in his opinion, the same may not be reduced or entirely abolished"—

He states that, in his opinion, this expense could not be entirely abolished. He has no doubt that it might be very materially reduced, without any injury to the public.

It will be seen that the expense of 1838 has been considerably reduced from 1837.

From two of the wards there has been no demand; and in most of the others the expense is diminished.

If it were made the duty of the Street Inspectors to remove the dead animals with the rubbish found in the streets without extra charge, it would be found in those months of the year when these things are most offensive, they have carts generally under their control.

The smaller animals are, in fact, thus disposed of. There should be no extra charge for this.

During those months when they have no carts or men employed, or occasionally of a Sunday in the summer, they are obliged to employ persons for the purpose of removing large animals. For this they should be paid upon affidavit accompanying the bills.

If this mode were adopted, the expense would not probably exceed one-third the present amount.

The prices paid are from \$1 to \$2 for every horse or cow, from 12½ to 25 cents for dogs or swine, and from 6½ to 12½ cents for every cat. Respectfully submitted.

HENRY G. DUNNEL, *City Inspector.*

SCHEDULE

Of Dead Animals and other Nuisances removed from the several Wards, and the amount in

1837.

Wards.	Horses	Cows	Swine	Dogs	Cats	Sundry Nuisances.	Amount.
1st .	2			23	89	24	\$33 86
2d .	1		12	13	89	45	33 31½
3d .	3		9	33	94		14 99
4th .	4		1	31	44	2	16 43
5th .	3		2	20	273	1	24 67
6th .	9		103	23	4		25 10
7th .	15		62	121	419		65 10
8th .	17		56	147	429	13	76 56
9th .	27	1	50	55	47	2	45 70
10th .	2	2	73	58	261		35 16
11th .	44	2	484	175	437	5	156 25
12th .	89	1	23	18		4	109 75
13th .	5	1	115	53	219		40 99
14th .	5		88	153	513	1	63 74
15th .	24	1	92	89	63	6	52 06
16th .	53	3	99	15			76 74
17th .	47		149	155	110		87 85
	347	9	1,418	1,182	3,091	96	\$958 26½

The expense of the Department for the removal of Nuisances on the Public Grounds, Docks, Slips, &c. &c. in 1837

Total . . . \$1,187 60

1838.

Wards.	Horses	Cows	Swine	Dogs	Cats	Sundry Nuisances	Amount.
1st .	4			10	15	12	\$26 80
2d .			9	18	116		16 94
3d .			2	38	80	5	20 40
4th .							
5th .			164	137	212		52 70½
6th .			97	112	180		45 76
7th .			55	112	581	9	88 25
8th .			39	30	54	1	28 87
9th .			75	70	225		34 09
10th .		7	445	65	218		93 30
11th .		1		3			52 58
12th .			191	37	197		46 06
13th .			116	99	309	1	50 45
14th .			36	55	70		21 73
15th .		1	88	51		2	59 76
16th .		2	170	84			60 08
17th .							
	201	11	1,499	921	2,257	30	\$700 77½

The expense of the Department for the removal of Nuisances on the Public Grounds, Docks, Slips, &c. &c. in 1838

Difference of expense in favor of }
1838 over 1837 \$343 18½

143 64½
\$844 41½



COMMUNICATION

FROM

HIS HONOR THE MAYOR,

IN RELATION TO THE

PRECAUTIONARY MEASURES
ADOPTED BY HIM TO SECURE THE PUBLIC PEACE AT
THE RECENT ELECTION IN THIS CITY,

WITH

Documents,

AND

A REPORT FROM THE COMPTROLLER

RELATIVE TO THE EXPENSES INCURRED DURING SAID ELECTION.

NEW YORK:

PRINTED BY ORDER OF THE COMMON COUNCIL.

1839.

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF THE HISTORY OF ARTS

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1911

CHICAGO, ILL.

DOCUMENT NO. 29.

BOARD OF ALDERMEN,

JANUARY 28, 1839.

The following communication was received from the Honorable Aaron Clark, Mayor of the City, in compliance with a resolution of this Board, requesting him to communicate such information as may be in his possession, in relation to the precautionary measures adopted by him to secure the public peace during the recent Election in this city. Which having been read by the President of the Board, it was, on motion, ordered that three times the usual number of copies thereof, and the Documents thereto annexed, together with the Report of the Comptroller, relative to the expenses incurred during the Election, be printed.

THOMAS BOLTON, Clerk.

MAYOR'S OFFICE, JAN. 28, 1839.

THE HONORABLE BOARD OF ALDERMEN:

GENTLEMEN,—In compliance with your resolution, requesting the Mayor to communicate such information as may be in

his possession, *in relation* to the precautionary measures adopted by him to secure the public peace during the recent election in this city, he respectfully submits the following

REPORT.

Before entering upon the responsibilities of the office, the Mayor takes and subscribes an oath to support the Constitution of the United States and the Constitution of the State of New York, and that he will faithfully discharge the duties of the office of Mayor of the City of New York, according to the best of his ability.

I presume it will be admitted that the obligations imposed by so high a trust, require that officer carefully to examine and fully understand his true position, and the extent and nature of the promise thus solemnly made ; that he should steadily keep in mind the first principles of government, and notice the history of legislation so far as relates to the station he occupies.

Commencing no further back than the first American Confederation, it will be found on looking into the articles signed by its delegates on the 17th November, 1777, and adopted by this State 9th July, 1778, that the patriots and statesmen of that day entertained so high an estimate of *continued peace*, that they made the best means of *its preservation* one of the chief objects of their deliberations. They did not dwell so much on the *restoration* as the *keeping* of it ; hence in the very beginning of those celebrated articles of confederation and perpetual union, it is declared that “they do severally enter into a firm league of *friendship* with each other, for the *common defence*, the *security* of their *liberties*, and their *mutual* and *general welfare* ; binding themselves to assist each other against all *force offered* or to *attacks made* upon them, or any of them, on account of religions, sovereignty, trade, or any other pretence whatever.

It was found by a very few years experience, that the great purposes intended by that Convention of the States, could not

thereby be accomplished to the satisfaction of the people. And the United States in Congress assembled on the 17th September, 1787, agreed to a new union, and, having closed their deliberations, adopted a Constitution of Government, the very first lines of which are, "We the people of the United States, in order to form a *more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare and secure the blessings of liberty* to ourselves and our posterity, do ordain and establish this Constitution of the United States." *The State of New York adopted this Constitution.*

Those efforts to *preserve the peace* of the country are alike honorable to our fathers and useful to their posterity. They are the joint work of men who had been familiar with the seven years' war of the revolution: who had taken part on many a battle field, endured many hardships, and received many wounds that they might obtain enduring freedom and independence for our country. This scene of 1787 was indeed one to be admired, for its grandeur, its sublimity. Washington with his friends and late companions came together from every State, not to make peace with a foreign foe—no enemy from *abroad* remained within our land—but they convened to *insure domestic tranquillity*. They already perceived that liberty would soon be little else than a name, and independence a vain boast, unless this great and mighty object should be accomplished. They sanctioned and proclaimed this counsel, "In peace prepare for war." And for this and other purposes the organization of the Government of the Union and of each separate State were effected—by the enactment of laws establishing systems of jurisprudence in all matters deemed necessary. The punishment for treason, rebellion, and insurrection, and the measures adopted to *prevent them*, prove clearly that the first and chief care of our legislators, was to see that *the quiet of our country should remain undisturbed.*

The history of legislation in our own state speaks the same language. And the principle of *preventing mischief* is disco-

verable in the laws upon other subjects. The provisions concerning offences are denominated "proceedings to *prevent* the commission of *crimes*." One Act is "for the *prevention* of fires"—another, "for *preserving* the public health." It cannot then create any surprise that like motives should be evinced by the Ordinances of our City. Our whole system, indeed, would seem to be one for *preservation*.

We have, among many others, "A Law to *prevent* evil practices in the streets and other places in the City of New York." "A Law creating a City Inspector's Department;" one for *preventing* and extinguishing fires—to regulate the Watch Department—to organize the Board of Health—and last, "An Act concerning Dogs."

That the Mayor should feel that the principles above alluded to ought to have a serious influence upon his deliberations and actions as an Officer, will be less likely to be disputed, after a reference to the 17th section of the Amended Charter of our City, by which it is made the special and imperative duty of the Mayor "to be vigilant and active in causing the laws and ordinances for the government of the city to be duly executed and enforced,"—"and generally to perform all such duties as may be prescribed to him by the Charter and City Ordinances, and the LAWS OF THIS STATE AND OF THE UNITED STATES."

Nothing can be more manifest than that the statesmen who modelled and urged the adoption of the measures already specified, knew the importance of *undisturbed* and *unbroken peace* to a country to whose happiness and prosperity they looked forward with most anxious hopes. They had seen how easy it is to commence a war, and how soon innumerable obstacles to the restoration of a durable good understanding intervene. Those deliberations which were held with so much ceremony and solemnity at the very birth of our Government, and remain to this hour part of the laws which the Mayor is commanded and pledged to obey, form a portion of the influence which induced him to adopt such "*precautionary measures for securing tran-*

tranquillity at the late election," as the circumstances, in his judgment, demanded.

In order the better to determine whether those measures will bear the scrutiny of reason, several other considerations are deserving of notice. And first among these, a brief history of the principal riots that occurred here previous to the election of the present incumbent to the Mayoralty, is deemed fit and proper.

I shall commence this short detail with what has commonly been called the Election Riot, which took place on the 10th, and last day of the Charter Election, of 1834. The first cause of the disturbance which produced such frightful consequences was the forcible entry of some few men into a room near the poll of election of the 6th ward, and there breaking in pieces some boxes containing ballots for distribution. Fights soon grew out of it, and finally, general confusion and alarm. In answer to a communication addressed a few days since to the Hon. Gideon Lee upon the subject, (Document 2 annexed) he replies that "to go back to the *incipient* cause of the riot of 1834, I have *no doubt it was the disastrous* condition of the general business of the city at that period and during the four or five months immediately preceding." And in another place "*that the relative strength and condition of the great antagonist* political parties moreover at that election being numerically very *nearly equal*, was exceedingly unfavorable to peace and quiet: each party imbued with *feelings of confident success* seemed equally inspired with a desperate *determination for conquest*. In such a distempered state of the public mind, the slightest occurrence adverse to either party was very likely to produce actual outbreaks." Mr. Lee also observes, "had the Magistracy been fully apprized before hand of the *entire extent* of the *danger* they might and could and *would* have made adequate preparations from the civil force, including the entire Watch, without the military aid, to have kept the peace and good order of the city." The Honorable Board of Aldermen cannot fail to perceive how exactly all the reasons and facts

stated by Mr. Lee apply, in most respects, with even stronger force to the condition of things at the recent election.

Mr. Lee also most truly remarks, "The Mayor must never lose sight of the great common law maxim, *that it is a duty, paramount to all pecuniary considerations, TO KEEP THE PEACE.*" And again, "There is *vested inherently* in the Magistrate a *power co-equal* with his *duty, to keep the peace.*" And he adds, "You will perceive that my notions of the duties of a Magistrate, in cases of riot or insurrection, are above the ordinary considerations of pecuniary cost."

Notwithstanding the acts which mark the commencement of the difficulty seem, of themselves, to be of very little moment, yet Commissary General Arcularius, in his report of April 21, 1834, made in pursuance of a call from a Committee of one branch of our State Legislature, asserts, "that the (then) late election for Mayor and Charter Officers in the City of New York, produced an excitement such as has never been witnessed on any former occasion;" that "*a mob riotously attacked and entered the Arsenal and seized the public arms.*" It is still remembered that threats of "fire and sword" were heard in several parts of the city; and for hours battle, death and conflagration were apprehended.

In order to give the most satisfactory account of the scenes of that day, I have deemed it my duty to annex hereto, nearly an entire copy of the above mentioned report of Commissary General Arcularius. (See Doc. No. 3.) The expense of quelling this riot was,

Paid extra Peace Officers, Watchmen, &c. .	\$1,150	40
Paid for refreshments	544	22
	<hr/>	
	\$1,694	62

Such was the impression made upon the Committee of the Assembly, by the reply from that officer, that they urged upon that body "the providing, either for the removal of the Arse-

nal from its present location, or for placing the present buildings in a situation to resist future aggression;" and "that the *peace of the community* and the *preservation of the lives* of our fellow citizens *demand it*." I may be permitted here to remark, that the same Arsenal, filled with arms, yet remains in the place where it was in 1834; and is liable, as in that year, to be used to rend in twain the peace of our city, and to destroy the lives of the people. It is certainly little better than a nuisance where it is, in the very *centre* of a population of more than three hundred thousand. And I respectfully call the serious attention of the Common Council to the laws passed in relation to its removal.

The particulars of several other riots have been gathered from the city papers, chiefly from the Commercial Advertiser.

On the 21st of June, 1835, being the Sabbath, a disturbance took place in Grand street, near Crosby street; one in Chatham street, near Roosevelt street. The latter was *commenced by some slight difference between a white man and a colored man*. But the feelings of the spectators became so much interested in its progress, that a general battle ensued; which was at length quelled by the Police, although not without difficulty. Early in the evening a third and greater outbreak took place in the 6th ward, principally in Pearl street near Chatham street. It commenced by a fight between only two men, but soon became a bloody affray. Dr. McCaffrey, while visiting a patient and only looking on, had his jaw bone broken by a brickbat which was thrown at him. A rush was made upon him, he was thrown violently to the ground and most frightfully covered with wounds, of which he soon after expired. (Sec Doc. No. 4.) The reporter of that scene asks, "What are we coming to? What is to be the end of all this violence, ferocity and utter disregard for law, decency and religion?" On the 26th June, same year, Mayor Lawrence issued a proclamation, concluding as follows: "Believing the *general peace and welfare* of the community to be dependent, in a great measure, on a *rigid observance of the laws*, I hereby announce the determi-

nation of the Magistrates to enforce the salutary provisions," &c.

On the 22d June, 1835, upon the allegation that the keeper of a tavern in the Bowery, called the "Green Dragon," had used harsh and abusive language concerning certain persons or measures, that tavern was violently and repeatedly assailed, and finally rendered untenable. On another occasion, about the same time, there was another breach of the peace, and much excitement, on account of the contemplated organization of a regiment to be called the O'Connel Guards. These alarming quarrels brought forth the strength of the civil force; and the journals of that period declare, "that *judicious precautions* were taken in *doubling the number of Watchmen, and stationing bodies of Constables at every point where an outbreak was to be expected.*" Peace was thereby restored.

That on the 30th June, 1834, a woman was detected in stealing a pair of shoes in No 174 Chatham street, and was exposed; whereupon she ran out and *falsely* raised the cry of *having been insulted* in that shop—much uproar ensued—the occupant of the store was shamefully abused, and his property much damaged. The cry was then raised of "State Prison monopoly—down with the store." This greatly increased the violence and uproar—about two hundred persons became engaged in contests and fightings, who were surrounded by nearly two thousand spectators. The editor of the Commercial Advertiser remarks, "There appeared to be a settled purpose to trample upon all law, and to set at defiance all private right."

But the most disgraceful violence and outrage happened soon afterwards. On the 4th of July, 1834, David Paul Brown delivered an oration before the New York Anti-Slavery Society, assembled at the Chatham Street Chapel. Whites and blacks sat together in the pews. Great dissatisfaction was manifested by the people without on this account, and the fact was the subject of bitter comment.

On the 7th July the blacks again assembled at the Chatham

Street Chapel to hear Hewes, a black preacher. There was a difference about the right of thus using that building.

July 9th, the following appeared in some of the city papers :

" Mr. Lownds, President of the New York Sacred Music Society, relinquished to the Trustees of the Chatham Street Chapel, the occupancy of the house on Monday evening, and it was not stated that the same was wanted for the use of the Church. Mr. Rockwell ordered the Chapel cleared, without knowing that Mr. Lownds had relinquished the use of it."

(Signed,) LEWIS TAPPAN.

The dispute upon this matter had caused a feverish excitement, and the blacks had assembled and were said to be very insolent in different quarters of the city. The people were dissatisfied.

" If," said the editor of the Commercial Advertiser, " this state of things is to be suffered to continue, neither white men or women can much longer leave their doors in safety."

On the 10th of July a serious quarrel concerning the blacks occurred at Clinton Hall.

And on the same day the great abolition riots broke forth, commencing at Chatham Street Chapel. From thence large bodies of rioters proceeded to the Bowery Theatre, *under a pretence of chastising Mr. Farren, an Englishman, who was reported to have "used disrespectful language towards the Americans."* After a sharp conflict the mob took entire possession of that Theatre; and from thence they proceeded to the residence of Mr. Lewis Tappan—broke open the doors—smashed the windows, and took possession of his house and destroyed and piled the furniture in the street—and all this at the instance of one man, who in Chatham square only said, "*Lewis Tappan.*" On the 11th of July a large mob proceeded to the Church of Dr. Cox, corner of Laight and Varick streets, destroyed the windows, and committed other depredations. Thence they hastened to Dr. Cox's dwelling house,

where many gross outrages were committed. Then they returned to the Church, and, having sated their displeasure there, they speeded their way to the store of Arthur Tappan. Not being able to effect much there, they repaired again to Dr. Cox's Church, and thence to the Church of Dr. Ludlow, in Spring street; they there barricaded the streets, broke down fences, forced their entrance into the Church, and demolished the interior; they then broke into the house of Mr. Ludlow and did great injury. During that night there were several riots in various parts of the 6th ward. Anxious efforts were made by the Mayor, and civil power generally, aided by a portion of the Militia, to disperse the mobs and restore peace, but in vain. The Mayor issued one proclamation on the 11th July, and on the 12th he issued another, calling forth to his assistance the whole civil and military powers of the city. "*A large body of the Military was assembled at the Arsenal, City Hall, and Bazaar; to be in readiness to repair to any point to which they might be called for the suppression of any lawless outrage.*" And on or about the 14th July, order was generally restored throughout the city. The editor adds the following: "We all know, that in a large city like this, there is *ever* a body of men ripe and ready for scenes of riot."

The expenses of these riots from 21st June to 14th July, inclusive, were 1st, for Abolition Riots

For Officers	\$ 852 00
" Watchmen	3,791 13
" Refreshments	2,383 31
" Sundries	305 25
2d. Expense of riot when Dr. Mc'Caffrey was killed, &c.	2,869 32
	<hr/>
	\$10,201 01

Next followed the riot of the Stevedores and several turn-outs of laborers, which cost \$381 82

For ammunition and extra services, also	164 00
	<hr/>
	\$545 82

By this time disturbances in the public streets became more frequent.

Those disposed to be peaceable and in safety, found it absolutely necessary to remain every evening in their own houses. At length this city was the scene of violence and outrage in a degree, surpassing, if possible, the Abolition Riots.

This was introduced to public suspicion, by a printed paper posted in every part of the city on the 12th of February, 1837, being Sunday, inviting a throng into the Park, in the following words, viz. :

“ Bread—Meat—Rent—Fuel.

“ Their prices *must* come down.

“ The voice of the people shall be heard and will prevail.

“ *The people* will meet in the Park, rain or shine, at 4 o'clock on Monday afternoon—

“ To inquire into the cause of the present unexampled distress, and to devise a *suitable remedy*.

“ All friends of humanity, determined to resist monopolists and extortioners, are invited to attend.

Signed,

“ MOSES JAQUES,
PAULUS HEDL,
DANIEL GORHAM,
ALEXANDER MING, Jr.
DANIEL A. ROBERTSON,
WARDEN HAYWARD,
JOHN WINDT,
ELIJAH F. CRANE.”

The weather was intensely cold, and yet a concourse of thousands assembled in the Park on *Monday*, February 13th, 1837. Mr. Moses Jaques was chosen Chairman, and Alexander Ming, Jun. addressed them; the meeting at length broke up, and at the cry from some one, “Hart’s flour store,” vast numbers rushed to that place. The store was soon entered—

barrels of flour thrown out and dashed in pieces in Washington street—Mayor Lawrence with a few officers repaired thither but he and they were covered with flour and driven away. In a short time the mob had *undisputed* possession of that vast store house. Many of Mr. Hart's books and papers were seized, torn and scattered along the public streets. One of the Journals of that day stated that Mr. Hart's loss was about 500 barrels of flour and 1000 bushels of wheat. This is probably a high estimate.

The Police and a portion of the Militia were placed on duty during the night; but before this took place the mob had proceeded from Hart's store to several other flour stores and committed outrages and serious injury, as will be seen by letters No. 5 and 6, and finally dispersed themselves through the city.

On this the Editor of the Commercial Advertiser of that day observes,—

“Unfortunately the spirit of insubordination to the restraints of law, is so widely diffusing itself that it is necessary to keep this armor (the Militia,) in a state of effective preparation.”

The expenses of restoring order on this occasion, were,					
For extra services of Officers	.	.	.	.	\$ 141 00
“ Ammunition	.	.	.	.	117 00
“ Refreshments for Militia	.	.	.	.	349 00
“ Extra Watch	.	.	.	.	1,731 50
					<hr/>
					\$2,338 50

Through the favor of a kind Providence, no riot or scene of violence has transpired within our city for nearly two years. Other and sore afflictions have awaited her, from which she is now happily rising to newness of hope, exertion, prosperity and happiness.

But the city has not during that time been free from *imminent dangers*. On the 10th of May, 1837, the banking institutions of this city suspended specie payments. This event had been preceded by an active demand for specie by various per-

sons having claims upon them ; and the Dry Dock Bank had stopped payment. Notice of the general suspension was to be given to the public through all the papers of the morning. The Mayor was informed during the night of all these proceedings. He was advised also of the apparent dispositions and intentions of many persons in relation to them. Upon a view of all the circumstances, it was believed to be expedient and necessary promptly to make ample arrangements to secure, *at all events*, the perfect peace and safety of the city. And accordingly, a numerous civil force, and a large body of the Militia, were, before the ensuing morning, called into service. The Watchmen and Marshals were stationed within and near the banking houses ; and the Militia at those places from whence they could be most readily withdrawn for efficient duty. The military corps were assembled under the power conferred upon the Mayor, by the 1st section of the Session Laws of 1836, which makes them subject to his order " Whenever their services shall be required in aid of the civil authorities to quell riots, suppress insurrection, to protect the property or *preserve the tranquillity of the city.*"

And the Watchmen were placed on duty by the authority given in the 7th section, title 2, of the Law to regulate the City Watch, passed February 11th, 1834, which directs " That each of the said Captains and Assistants *and every Watchman* shall, for the *purpose of preserving the peace* and good government of this city, obey all orders given for that purpose by the Mayor, Reeorder, or either of the Aldermen or Assistants of the said city for the time being, and also of the Justices of the Police, or either of them, *on pain of removal from office.*"

At an early hour on the 10th of May, 1837, Wall street and other parts of the city, were crowded with a dense mass of people in a state of great excitement. The various interests and opinions of those who were then hurried together, were duly considered ; and that as a small spark had often kindled the most direful conflagration, so a slight accident, imprudent word, momentary misapprehension or real injury, might cause

destructive contentions, and sanguinary interruption of the general peace. The history of the past was remembered, and the just power of its awful warnings admitted—whereby it was indisputable that slight or even frivolous events had been the commencement of the most disgraceful riots in our own and other cities. To *preserve*, if possible, was felt to be wiser than to rely upon the restoration of good order. THE CITY REMAINED FREE FROM OUTRAGE. These and others were the reasons of the “*precautionary measures*” adopted on the occasion to which allusion is here made.

The whole cost thereof, was

For Officers to go into the Banks	.	.	\$ 46 00
“ Ammunition	.	.	69 00
“ Refreshments and Extra Watch	.	.	709 75
			<hr/>
			\$824 75

Sometime afterwards two meetings were held in the Tabernacle, for the performance of funeral ceremonies, by the Anti-Slavery Society, in honor of the late Mr. Lovejoy, and for other purposes.

The Mayor had official notice that such assemblies were to be thus held, and what was the object of them. And it was ascertained that there was a *settled determination* on the part of a portion of our citizens that they should be broken up. Such were again the preparations to secure quiet however on those occasions, that the public tranquillity continued undisturbed. And owing to the spirited and generous exertions of Captain Teel and the Watchmen under his command, the whole expenditure for such purpose was only about two dollars.

During the last Autumn Mrs. Frances Wright Darusemont obtained a lease, for six successive Sabbath evenings, of the great room at Masonic Hall. This circumstance gave great offence to thousands of our fellow citizens. An effort was made to terminate her discourses there, by preventing her from its occupancy. She however addressed her hearers there agreeable

to her original agreement with the proprietor. This exasperated those who disapproved her opinions, those who objected to such use of that hall, and many others, who felt that they were insulted by her violent and menacing appeals to the public through the medium of hand bills and newspapers. During the last four nights of her lectures, the great thoroughfare in front of Masonic Hall, was, for a time, thronged with people, some threatening violence, and others provoking contention. Upon a careful observation and full knowledge of the dangers, from so numerous a collection of people, gathered there in the night time, and evidently from no very peaceful motive, officers and Watchmen were so placed as to prevent any disturbance in the streets. No injury to persons or property in any part of the city ensued.

The cost of this affair was

For Police Officers	\$ 53 00
“ Extra Watch	271 51

(See Doc. No. 8.)

\$324 51

On the fifth day of November last, came on the General State Election. The Electors of this city were to vote for candidates for Governor, Lieut. Governor, 13 Members of Assembly, 4 Members of Congress, and 1 Senator.

For a long time previous, extraordinary exertions had been made, by those taking a deep interest in the matter to be affected by the results of that election, to prepare those who were electors *and those who were not*, to contend most strenuously for success. The anxiety appeared to be intense, and the preparations to obtain the majority, seemed on all sides to exceed those of any preceding canvass. Among other incidents a document purporting to have been issued by the Democratic Republican General Committee of the City and County of New York, a copy of which is hereto annexed, marked No. 7. appeared in some of the newspapers of this City, on or about the first day of November last. This paper in its commence-

ment declares, "that it being understood that at the last Charter Election, the Federal Inspectors of Election *assumed* the power of rejecting legal votes tendered to them by electors who offered to comply with all the conditions, and possessed all the qualifications required by law, and *that the Inspectors intend to pursue the same course at the approaching election in November.*" The following will also be found :

"To our *adopted citizens* particularly, we would say that the Inspectors have no right to require the production of their naturalization papers, but that if they know themselves to be naturalized and to possess the other necessary qualifications, it is *their right and their duty as good citizens*, to DEMAND that the oath be tendered to them."

There is also this further remark. "The following section of the act will show *that any Inspector*, who (after the voter shall have declared himself to be duly qualified,) *shall refuse to tender the oath, is liable not only to a civil suit for damages in favor of the voter, BUT TO A CRIMINAL PROSECUTION FOR A MISDEMEANOR.*"

And it concludes as follows :

"The General Committee have thought it their duty to publish this statement, *because IF THE INSPECTORS ARE PERMITTED* to disregard the law, and to substitute in the place of it their own discretion, the elective franchise, *IN HIGH PARTY TIMES LIKE THE PRESENT*, will not be worth possessing ; and the Committee do hope that the *electors* of the City and County of New York *will adopt the above suggestions* ; and further, that *in every case of a neglect of duty on the part of the Inspectors to tender the oath or otherwise*, they will be PROSECUTED *with the utmost rigor of the law.*"

"By order of the General Committee,

(Signed,)

ELIJAH F. PURDY,
Secretary."

About the time these proceedings were made public, and until after the close of the election, it was frequently asserted

that Inspectors would be insulted and arrested while on duty in their respective wards. That they would be carried to the Police Office, and if released on bail would be imprisoned again. The language used in many places concerning the Inspectors, *before* they had entered upon their labors, was bitter, and calculated to provoke angry discussion and personal conflicts. In some instances it was feared that insults of aggravated character would be offered to Inspectors when on their way to their homes; that in some of the wards the boxes containing the ballots would not be safe in the possession of the officers conveying them to the place of deposit for the night, nor free from danger after being placed there—hence in some cases, as will be seen by the report of the Comptroller, heretofore made to your Honorable Board, Watchmen were, in several instances, agreeable to the wish of Inspectors, stationed at their houses to prevent the ballot boxes from being forcibly seized and carried away or destroyed. About the time the election commenced, it was observed that the city had within it an unusual number of strangers; some of whom on their way hither, were reported to have used menacing language as connected with the then coming election; as for example, “New York would be very hot—too hot for some of the Inspectors.”

In some instances resolutions were passed and published, which were deemed to be calculated to disturb the public peace. Great excitement prevailed and great alarm in many places followed. Soon after the polls were opened, the press around them was often so great as to require in several wards extra force to preserve to the electors those facilities for depositing their ballots, to which by law and reason they were justly entitled. It was evident a very extraordinary crisis was presented: that indeed those were “*high party times*,” and so convinced were the Inspectors of this, that, as your Honorable Body will perceive, they required additional safeguards; and the Mayor, acting in reference to those “*high party times*,” and in conformity with what was believed to be his imperative

duty, after obtaining, hourly, the most accurate knowledge of the state of things within his power, proceeded and continued quietly to adopt such plans, in connexion with the other Magistrates, as were judged to be *sufficient* to preserve the lives of the Inspectors—ensure quiet at the polls—give to every voter free and safe access to them—and an equally free and safe departure therefrom; and plans were arranged to secure the general tranquillity and, *if need should be*, to defend and preserve the city from fire and sword. The feeling and temper of those “high party times,” evidently demanded “*precautionary measures*.”

All this was done without issuing any proclamation, which, however, was asked for, and without calling forth any military power, which was more than once urged upon the Mayor; but not without receiving from that tower of our strength the most cordial and enthusiastic tender of their services, in case the crisis should demand them.

To the general joy, the election closed, the canvass was completed, and all without riot, personal violence, damage to property, or injury to the reputation of our favored city. The number and compensation of the officers required by the Inspectors, as also the number of the Watchmen employed by the Mayor, where stationed, and the expense thereof, are minutely stated in the report from the Comptroller, made to your Honorable Body on the thirty-first day of December last, in reply to the resolution previously offered by Alderman Purdy, and adopted. On a reference to that document, it will be found that the whole amount paid for the Watchmen and others, called upon to accomplish the paramount object of securing the public tranquillity, and for such other services as circumstances did require and might have required, was nineteen hundred and eighty-six dollars. The cost of refreshments supplied to them will be reported to your Honorable Body by the Commissioners of the Alms House. On inquiry at their office, I learn the amount will be from four hundred to four hundred and fifty dollars.

I have great pleasure in taking this occasion respectfully to repeat my strong and unwavering approbation of the steady devotion of the Magistrates, the Watch Department, the Military Corps, the Marshals, Constables, and other officers, as well as of our citizens generally; and to thank them for the prompt and cheerful manner in which they have uniformly tendered their valuable services, at the times above referred to; and to assure you, that on those, as well as on other occasions, their appropriate and consistent efforts in the public service and for the general welfare, deserve the thanks of their fellow citizens, and entitle them to universal respect, esteem and gratitude. I rejoice to add, that the language and temper of the public press have generally been pacific.

Thus have I endeavoured faithfully to furnish the information required by the resolution of your Honorable Body. Should it be the opinion of the Honorable the Board of Aldermen, that the powers and duties of the Mayor, in respect to the *prevention of riots*, outbreaks and destructive violence, are misapprehended by him, or that his system of conservation is not for the best interest of the city at large, the public good requires that such dissent should be placed on record. For whatever might be the disappointment of the Mayor, as a public officer, should he learn that his proceedings had not received the sanction of your superior wisdom; yet, as a citizen, and one of your constituents, he would feel that it was just and proper that the result of your deliberations should be officially made known to the community. All Magistrates must frequently judge of probable events from circumstantial testimony; the lives of men often depend on no better evidence. Should our fearless and vigilant Firemen never turn out until *sure of the reality of a fire*, through the fear of losing time by starting upon a FALSE ALARM, or because the fire was only a small one, much of their value would be lost, and we might reasonably expect the lurid flame would again reach the sea over the ruins of the city. All good people prefer peace to war. To use all lawful means to *prevent* confusion, is esteemed

to be a duty which those entrusted with power owe to the people of the city ; and even to that portion disposed to make disturbances ; it being admitted that one act of violence may sow the seeds of many others.

When I had the high honor, for the first time, to enter on the duties with which I have been entrusted by the people, I sincerely pledged myself to the people to be untiringly devoted to the preservation of the peace of the city. I am not conscious of having, for a single moment, been unmindful of that promise, or unwilling to abide its requirements. It is the policy and wish of some men that no *precautionary* measures should be adopted upon this subject—but that relying on eventually quelling an outbreak, the Magistrates should not move until they have proof that madness has *commenced* its work of destruction. It would be but fair and reasonable that those persons should examine a sketch of the well remembered riots in this city, and note their small beginnings, and observe how very soon a slight occurrence may place the lives and property of many thousands in fearful jeopardy. Having done this, it will be useful to glance at the ruins of the Convent in Charleston, in Massachusetts, and of the Pennsylvania Hall, in Philadelphia, and then inquire the origin and progress of the circumstances which terminated in their destruction. They should also review the riots in Baltimore, Harrisburgh, and other places; and *realize* that as a trifle has, so a trifle may *again consume a city*, or hurry thousands of the people into angry commotion. In 1834 even the Arsenal in our City was entered by a mob and the arms seized—had these, in the fury of that hour, been discharged upon the people, it is impossible to foresee what horrible consequences would have followed. Those arms *might next fall into hands that would not be so merciful*.

Delay and indifference to consequences have long been the policy in Constantinople and in other eastern cities. The natural results are attested by the general misery, and by the downfall of hundreds of what were once, and might now

have been, the most magnificent cities of the world. Learning wisdom from those examples, the system of police in the large cities of civilized Europe is precautionary and preservative.

But for the most scrupulous preparations to meet every crisis, however formidable, London, Paris, Vienna, and other cities would soon be despoiled of their beauty—and their grandeur, prosperity and power would depart to return no more. On the most rigid scrutiny it will appear that the cost of *keeping* the peace is much less than that of *restoring* it. And were there more facilities for breaking up gangs of rioters, and could order, in all cases, be *speedily* restored, every rent made by violence or blood would long disclose the disgraceful character of the past and cover the future with *distrust* and blighting suspicions.

One great riot in a city such as this, with a population so various, and principally depending on commerce with many nations, where thousands are sustained entirely by commissions on goods entrusted to them for sale and for barter, would, in one short hour, bring a host of evils that years of diligent labor could not repair. Moreover, lives would be lost, and wounds received that must long afflict the sufferers. While people believe themselves in danger of injury, arising from the want of proper laws, or efficient Magistrates, they will carry deadly weapons—and, when in anger, will use them. Besides, to have the character of a riotous city fastened upon us, would be truly calamitous; our good name and credit abroad would sink; our trade and business at home would be unsteady—uncertain—unprofitable—labor and enterprize would not be well requited—the numbers and misery of the poor would be increased, and the growth of the city impeded, if not effectually terminated. The prison, the gallows, and the grave would have their added victims. The progress of riot is the pathway of cruelty and of brutality, 'tis the school of crime—the field of blood;—its history may be learned from the remains of the humblest cottage, or the ruin-pile of crumbling palaces; from the deserted city, the desolate fields, and the green grass over

the sturdy door way of the dilapidated temple, once dedicated to the service of the Almighty. Yes, its sad story is heard in the melancholy moan of orphanage. 'Tis told in the widowed mother's agony and despair.

But a *peaceful* city is the truly beloved of all people. Feeling that they are, at all times, and in all places, protected and secure in their "persons, property, and the pursuit of happiness," the citizens are industrious—confiding—friendly—contented. Mutual good will—universal charity—and general competency prevail; the mind is then calm, the heart is tender and affectionate, the baser passions are controlled, and intelligence, firmness, prudence and virtue unite to perpetuate to them *that greatest of all blessings, unbroken tranquillity.*

That *peace* may be forever the happy lot of our great city, will, I humbly hope, be the unceasing and sincere prayer, the ardent wish, the constant concern of every Magistrate and of every individual.

AARON CLARK.

THE FOLLOWING

ARE THE

D O C U M E N T S

REFERRED TO IN THE PRECEDING MESSAGE.

No. 1.

Resolved, That his Honor the Mayor be respectfully requested to communicate to this Board *such information as may be in his possession, in relation to the precautionary measures adopted by him to secure the public peace, during the recent election in this city.*

Offered by the Alderman of the Second ward.

MAYOR'S OFFICE, JANUARY 6, 1839.

Honorable Gideon Lee :

DEAR SIR,—During the Election Riot of 1834 you were the Mayor of this City. In order that I may be the better able to make to the Common Council a suitable report on the propriety of certain expenditures, I respectfully solicit from you the favor of your statement upon the following queries :

1st. What was the origin of that riot?

2d. How much would it have cost, in the first instance, by a suitable requisition from the Inspectors, to have *prevented* it altogether, by an adequate Marshal, Constabulary, and other guard placed near the poll of the Sixth ward?

3d. Your views as to the detriment received by the city by reason of that riot, and such other information as you may be pleased to communicate.

I have the honor to be, with high regard,

Your obedient Servant,

AARON CLARK.

No. 2.

16 BOND STREET, JANUARY 8, 1839,

Honorable Aaron Clark:

DEAR SIR,—I cheerfully reply to your letter of the 6th instant, and will answer your several questions as well as I can.

First you ask, "What was the origin of the riots" of April, 1834?

To go back to the incipient cause—I have no doubt it was the disastrous condition of the general business of the city at that period, and during the four or five months immediately preceding. From this cause an unusual excitement had seized upon the public mind. It seemed to pervade all parties and all classes of our citizens. The relative strength and condition of the great antagonist political parties moreover, at that election, being numerically very nearly equal, was exceedingly unfavorable to peace and quiet. Each party, imbued with feelings of confident success, seemed equally inspired with a desperate determination for conquest. In such distempered state of the public mind, the slightest occurrence, adverse to either party, was very likely to produce actual outbreaks. Still, it is my belief, that if the Magistracy had been fully apprised, beforehand, of the entire extent of the danger, they might, and could, and would have made adequate preparations, from the *civil force*, without the military aid, to have kept the peace and good order of the city.

You will hardly desire to know, and it can benefit no public or private interest, to detail, here, what I may deem to have

been the immediate causes of the unlawful outbreaks of that unfortunate period.

Secondly, you ask "How much would it have cost, in the first instance, by a proper requisition of the Inspectors, to have prevented it altogether, by an adequate Marshal, Constabulary, and other guards, placed near the poll of the Sixth ward?"

I will not pretend to count *the cost*, in money; but, as I have already said, I have no doubt that, with a full foresight of what was to happen, and that proper organization of our Police force, which would doubtless have followed such "full foresight," those dreadful riots would have been altogether prevented, or promptly suppressed in their incipient outbreaks. I mean, by "our Police force," all the Magistrates, one hundred Marshals, the thirty-four constables, and the entire Night Watch; the latter being willing to perform day-service for just and proper compensation.

And here let me express my views of "a proper organization." I would divide and form the whole force into companies of ten men each; to be under the immediate command of a discreet, vigorous Captain for each company; and to be located and posted at the several prominent points of apprehended danger; each Captain communicating constantly, by means of a vidette, or runner, with all, or so many of the other Captains in his vicinity, as should be found necessary; and the Magistracy, at head quarters, by means of their videttes, in constant communication with all the Captains. A private programme of the whole arrangement should be in the hands of every Magistrate, every Captain, and every runner. There must be no *absenteeism*; no wandering of the men from their respective posts; all must continue in the eye and in the hearing of their Captain. I think, by such an organization, you may, in a few minutes, bring an adequate force to bear upon, and suppress, in the embryo, any election riot that is ever likely to occur.

I am aware, that under the discrepancy and ambiguity of our present statutory code, there are difficulties in forming, and governing, and compensating the force I have described. Some

new enactments and modifications, from the State Legislature, should be had ; but, if not had, and while the powers and duties of the Magistracy are but imperfectly defined, some discretionary responsibilities must be taken by the Magistrate. We must never lose sight of the great common law maxim, viz. : " That it is a duty, **PARAMOUNT** to all pecuniary considerations, to **KEEP THE PEACE.**" And again, " There is vested, *inherently*, in the Magistrate, a **POWER** co-equal with his duty, to keep the peace."

You will perceive that my notions of the duties of a Magistrate, in cases of riot or insurrection, are above the ordinary considerations of pecuniary cost.

I have thus far confined my observations to riots growing out of election excitements. These are the more common riots. But there is another class, arising from other causes ; and growing out of principles, and feelings, and passions, in my opinion, more deep, more lasting, and vastly more dangerous, than those growing out of election excitements. These are more difficult to foresee, and more difficult to suppress ; nothing but the military arm can successfully meet them. And here I may differ widely from some, as to the competency, the power, and the volition of our Militia, in such emergencies, should they ever occur.

I sincerely believe that our uniformed Militia Corps, any and all of them, if necessarily called into the field, would be most prompt and effective, in the suppression of insurrection or dangerous riot. I speak from some experience, and much inquiry and reflection, when I say, that I should depend as confidently on our uniformed Militia, in such cases, if not more so, than I would on a regular hired soldiery ; but in the ordinary election riots, I believe they may always be prevented or suppressed by our *civil force*, if due care and preparation be timely made.

You will perceive, Sir, that I have treated and discussed this subject, in the full belief and understanding, that neither the People nor the Government of the City are yet prepared for a radical change, or for any considerable innovation of our pre-

sent Police system. All I have said, therefore, is in reference to the modification and patching up things as they be. But I verily believe, if the public mind was prepared, or could by any means be persuaded, to cast off entirely the old prejudices and the old Police practice, which our ancestors brought from Europe with them, two centuries ago, and substitute for it the modern system of the metropolis of Great Britain; commonly, or sometimes, called "Peel's Metropolitan Police;" beyond all question the most perfect system, for the government of a great city, ever instituted. I do believe, I say, that it would be the greatest blessing that could be conferred on our great and growing city.

I find some difficulty, and feel some delicacy, in attempting to answer your third interrogatory. I find, moreover, that I have already made this letter unreasonably long.

I am Sir, very respectfully yours,

GIDEON LEE.

EXTRACTS FROM REPORT BY

HENRY ARCULARIUS, ESQ.

Made to a Committee of one branch of the Legislature of this State, on the
21st APRIL, 1834.

Located as the Arsenal is, in a densely populated part of the city, it is necessarily exposed upon occasions of great public excitement, and unless strengthened, is in danger of being again forcibly entered, and furnishing the means of attack to those who design insurrectionary measures. The late election for Mayor and Charter Officers in the City of New York produced an excitement, such as has never been witnessed on any former occasion; with all the rage and fierceness manifested, the seizure of the Arsenal and public arms was an act so diabolical in its intent, that the annunciation of the fact that such a measure had been resorted to, was received with astonishment and indignation by all parties. I feel called upon by a sense of duty to detail the facts connected with this nefarious and high handed procedure, with the view that suitable measures may be adopted, by the proper authority, for the prevention of a recurrence of similar acts, and for the punishment of future aggressors.

On Thursday the 10th of April, being the last day of the election, after the hour of noon on that day, and after the work people had gone to their meals, and when the gates of the premises were locked, and the Commissary General was from home, a mob, which I have ascertained came from Masonic

Hall, appeared before the gates of the yard, in White street, The fence was scaled by one of them, and the small gate was forced open by the foreing and breaking of the lock, when the mob entered on the premises, some approached the rear of the dwelling house, and others inclined towards the Arsenal door, on the east side. My son met those nearest the dwelling, who demanded the key of the Arsenal of him to get arms. A shout "*the key*" came from near the window of the Arsenal where the key had been placed, evincing that they had possession of the key. They instantly unlocked and opened the door, and a party of them entered and ascended into the second story, and seized a number of muskets. While these proceedings were had, the Carpenter of the yard, who boards in the immediate vicinity, seeing the mob, attempted to get in at the gate, but could not, for the rush that was making; he therefore ran round to the dwelling house, got into the yard and door of the Arsenal, and there remained in company with my son, while those within were arming themselves. The muskets are kept on the second floor. The persons within descended, some with one musket, others with two. As they had all passed out, the door was quickly closed, and the key, which had been left in the door by the mob, was as quickly turned and withdrawn by the Carpenter, and handed to my son, who dexterously slipped it into his pocket and made off. He was making his way to the dwelling house, when two persons in possession of muskets stopped him, offered him their muskets, which he accepted, when some of the mob called upon him for the key. He answered by the query, "have you not got the key among you?" and while the questions "Where is the key?" "Who has got the key?" were making, he slipped into the house with the key and the two muskets. My wife having watched the proceedings of George, my son, and Cornelius the carpenter, through the window, and finding George had still possession of the key, bid him speed with it and find his father, and announce what had been done, what was doing, and what her situation was.

In company with James I. Roosevelt, Esq. in Franklin

street, between Church and Chapel streets, I met a company of three or four gentlemen who inquired if I knew that the Arsenal was assailed by a mob. I was incredulous to such a transaction, but my son coming up to me at that moment, confirmed the statement, handed me the rescued key, and while on our way homeward related the particulars of the transaction. The gentlemen referred to offered to accompany me over to the Arsenal; I accepted the proffer, and allowed them to pass into my dwelling.

On my arrival at the dwelling house, I found some of the females of my family under a great state of alarm. I endeavored to calm them, told them not to be alarmed, and to trust to my prudence for their safety. My wife briefly related to me the audacity with which they had come to the house, and stated that after my son left, several infuriated persons came there and in a menacing manner demanded of her the key of the Arsenal; they, among other things saying "they would not hurt her, if she would give them the key, but that *she must beware of the consequences of refusal.*" Indignant at the impudence of the lawless conduct pursued, that she had declared herself utterly regardless of the consequences, denouncing them as men of no principle to threaten her in a house full of females, for not violating her duty to her husband in his absence, and as a reproach she had called them "Clay men!" She said that a fellow with a claret colored coat on, was among the most impudent of them; that he in answer to her reproach, said in the most scornful manner, "We would scorn to be Jackson men, we are determined to have the key and arms;" that she had told them they could have neither until her husband came in, that he had been sent for and was momentarily expected; that they then agreed to wait.

My wife has since assured me that the fellow with the claret colored coat on, after the second assault on the Arsenal had been made, and he had obtained possession of a musket and bayonet, came before the window where she stood, exhibited

his musket in derision, and made a bow of impudent triumph ! Having thrown off my over-coat, I looked through the window at the furious multitude I was to encounter, and saw among them some twenty or thirty muskets at a shoulder. It appeared to me that at that moment their number was about four hundred. I promised my wife and daughters to be prudent and wished them to be calm, and prepared to mingle with the riotous assemblage. Upon approaching them I found to my surprise that most of those present were well dressed and apparently respectable persons, many of them middle aged, but most of them young men and boys. I walked towards the nearest man who had a musket and declared that these proceedings were outrageous and insurrectionary, and requested the arms taken to be delivered up to me immediately and before I would listen to any overtures from them. Some three or four surrendered their muskets, when "No, No," was repeated with the exclamation "We want arms to defend ourselves, we will have them." "Give us the key." "More arms, we will have them, we have a right to them." Defend yourselves against whom ? I inquired. "Against the mob now outside and pressing to come in" was answered. I assured them there was no such mob outside, and no necessity for arms, and that the key they should not have. I said that I believed that they were at present the only disturbers of the peace of the city, and ought to be at home in their own wards, and not here in the Sixth ward. A man stepped up to me and inquired whether this was a United States Arsenal, (this man afterwards informed me his name was Johnson,) and whether I was a United States Officer ? I answered no, it is a State Arsenal. General Robert Swartwout said to me, "You are a State Officer ?" I answered I am and have by legislative authority the control of the military stores and ordnance of this State. Johnson stated they wanted arms to defend themselves, and insisted upon having them ; they said the Mayor was nearly killed, several persons have been killed ; that the United States troops in the

harbor of New York had been sent for. He asserted that all mangled and bloody, the body of the Mayor he helped to take into a house in Reade street; that General Seott had been consulted, and told them that death from the fire of soldiery on a mob, without the presence and order of a Magistrate, was murder. Is it so? demanded Johnson of me. It is, I replied, unless the fire is in self defence. We want arms in self defence was his answer. But you are a mob and not known to the laws, I replied! Let a legally constituted company of Militia bring me a written order from the Mayor to furnish them arms, stating the necessity for their issue, and I will obey that order, but I will not obey you. The Mayor has been spoken to, said one. The Mayor has sent us here said another. Gen. Robert Swartwout asked whether I would yield arms to the written order of the Mayor. I told him I would give arms to an organized corps by the Mayor's order. We are citizens and have a right, was said. I know you only as a mob said L. Gen. Swartwout said he would go and see the Mayor, and went into the crowd. I was now closely pressed by a number who vociferated "give us the key."

Being hustled severely by them, I emphatically refused to give up the key! Some person took hold of me and said a Magistrate was at the door of the house, who wanted to see me immediately. I proceeded towards the house, and when near the back stoop, found that I was followed by several of the desperate gang. They seized me on the stoop; two of them collared me, with iron bars in their hands; they shook me violently and menacingly, and fiercely again demanded the key. Beginning to lose all patience with the insolence and violence of these persons, I declared if they struck me I would strike back, but the key I would not give them. I now noticed that the man who held me by the right collar of my coat with his left hand, held an iron bar in his right hand, and had a claret colored coat on. These two iron bars are now in my possession.

They then threatened to break into the Arsenal and to attack themselves. Do it, said I, at your peril. They then left me and commenced their assault upon the Arsenal. The party with the iron bars used them at the door and the lock; a man with a long iron bar, about six feet in length, from a shed on the left of the door, assailed the hinges of the second story window. A tall man placed himself on the stone sill of the window, on the right of the door, and supported himself there by holding fast of the iron bars; while a lad, in a blue dress of sailor's clothes, with the aid of others, got up on his shoulders, and so reached the only opened window shutters of the second story. The lad put up the sash and entered the building, amid deafening shouts of applause from the infuriated mob below, when he began to pass out muskets. Another or two succeeded in getting into the same window, by the same means. An old ladder was now found and placed against the Arsenal, so as to enter through another window, the shutters of which were thrown open. I inquired the name of the man who went up the ladder, and was informed that it was Philip Jonas; and I have no doubt he was the man. Muskets were delivered from the second window opened. "Open the door," was vociferated. An attempt was made to force the middle door open, from the inside, but did not succeed. Some one said that the raising of the bar on the north door would open it; and I believe it was William Muir, for he was very active at this time. The north door was tried and opened, and a rush for arms was made from that quarter. Belts were called for, and some one answered, "look in the garret for them." I believe this was also William Muir. A man on the shed, near Elm street, at the corner of White street, was seen to be very active at that time; and haranguing those on the outside and saying, among other things, "*the friends of the Bank can have arms*," and aiding such to clamber up the shed as offered to mount it. On inquiry, I learnt his name to be "Silas E. Burrows!" I am well satisfied he was the man. Another man,

with a shouldered musket, harangued the armed and arming mob within the yard; standing on the bench seat against the Arsenal, and near the northern gable end. He talked of "liberty, good order, and the public peace." I inquired who he was, and was told his name was "Redwood Fisher;" and I believe he was the man.

Captain Johnson, being armed with a sword, flourishing it over his head, called out, with others, "fall in;" and an attempted formation, in rank entire, was made. Some discussion was had, and the rank broke up. The "fall in" command was renewed; they formed again, and then wheeled to the right, in column. Muskets, swords, pistols, banners and drums were displayed. Anxious for their safety, and that of my fellow citizens in general, and presuming that they were about to march out, with all their fool-hardiness, I urged some friends to endeavor to prevent so rash an act; by representing, what I sincerely believed to be their fate, that they would all be murdered in the streets by the citizens, without distinction of party. I endeavored to dissuade them from the attempt, and begged a friend to run to the Mayor's office and report these insurrectionary and outrageous proceedings to him; to state my fears of the result, if the rioters should leave the yard, and to urge the Mayor to come to the Arsenal, to aid me in getting the arms returned and the premises restored, and to furnish me with additional protection for the military property of the State.

My apprehensions of their marching out, however, were soon removed, from the fact that when the words "here they come," was vociferated by some one in the mob, the head of the column having charged bayonet, the rear and right centre broke, wheeled about individually, some leaving their muskets, and others with muskets in their hands, sought safety in flight towards the dwelling house on Franklin street. The panic having subsided they formed again. At this moment Alderman Dennis McCarthy, of the 6th ward, inquired for me, and I met

him at the street door; we repaired together to the yard. He spoke to the armed mob, and assured them the Mayor had not been injured; that all disturbances had ceased, and the public peace was restored. The leaders of the mob treated the Alderman in the most insulting manner, and the individual in the claret colored coat was offensively impertinent to him, when he withdrew. Alderman McCarthy's demeanor and language upon this occasion was mild and conciliatory, and comported with his duty as a Magistrate bound to promote good order. Indeed, at the time I was surprised at his forbearance and moderation under the abuse and opprobrious epithets showered upon him by the several infuriated persons in the mob. Justice Lownds of the Police now appeared in the yard and spoke to the mob. Colonel Jackson, of General Morton's staff, announced to me the orders of the Mayor to repair forthwith at the Mayor's Office. I hastened to obey, and received the assurance at the same time of a Captain Hoyt, an officer appointed, as he said he was, (though not armed as I saw) of this armed mob, that "if I would repair to the Mayor's Office, he would endeavor to prevent them (the mob) from marching out till I returned." He informed me that they came from Masonic Hall, and that he was present at the time of their departure from that place. I thanked him without knowing what authority he might have, for I was to their disposition, to march out, (whatever it might have been ten minutes before) now well satisfied that they believed that they, with arms in their hands, would be less safe in the street than in the Arsenal yard.

I repaired to the Mayor's Office; he inquired whether troops were necessary at the Arsenal; I answered they are, both to restore confidence and ensure safety even to the rioters themselves. He asked what do you want of me? I replied I want your aid to get possession of the State arms in the hands of the mob at the Arsenal yard, who have forcibly seized on the State property, and set my appointment by the constituted authorities of this State at defiance. The Mayor said he would go

with me immediately, and endeavor to get the arms and property restored to me, and asked whether the whole of General Morton's division should not be ordered out at the Arsenal. I assented, and the corps was accordingly assembled under arms at the Arsenal yard during the latter part of the afternoon.

The Mayor, accompanied by Magistrates and officers, appeared at the Arsenal yard, and mounted a bench seat, near the centre pump, close to the sidewall of the Arsenal, from which he addressed the armed mob. The Mayor was hissed by some of them, and others cried out, "hear him!" "hear him!" He at length was heard, and he feelingly admonished and urged them to restore the arms of the State, and leave the premises, as the best mode for restoring the peace and security of the city. The mob finally consented to give up their arms, and turned them into the first floor of the Arsenal. Some forty or fifty muskets were discharged in the air, before they were returned by the mob, and about the same number were turned in loaded. The ammunition which they obtained in the Arsenal was two powder horns full, which had been intended for the priming of two six pounders, in firing a salute on the Battery, by the troop of Horse Artillery, under the orders of Captain White, in commemoration of the erection of a flag staff at that place, and the display of the city flag by the Corporation of New York, about the 3d of April, instant; which, from the inclemency of the weather on that day, did not take place. The troops paraded, but returned the priming and cartridges unused. This powder for priming was all the mob obtained at the Arsenal.

On receiving notice, from the Committee to repair to Albany, I directed eleven of the loaded muskets to be drawn, and the contents separately placed on papers. Eight of these eleven charges I have brought with me, and left them at the room of the Committee, where they can be examined. None of these contain any lead. The first charge examined contained a large charge of powder, two wads and five stones, as large

as the barrel of the musket would receive. The second a large charge of powder, wads, and twenty-three nails, large and small; third, a stone and a marble; fourth, eight stones; fifth, seven stones; sixth, several wads and two stones; seventh, twelve stones; eighth, two stones. I took possession of the arms and Arsenal as soon as the arms were turned in, and requested the insurgents to withdraw. In the yard I met with Captain Johnson; but, not knowing his name, I now demanded it of him; assuring him, after he gave it to me, that I should not forget him. I also met the individual in the claret colored coat, and spoke to him, but he evinced that he was evasive! I gave him distinctly to understand that he would hear from me. Thus ended this infamous outrage, without cause for its perpetration, and beyond the power of justification.

Having understood that the abettors in this transaction seek to justify their outrageous proceedings under the pretence that the mob, who took possession of the Arsenal and seized the public arms, did so from a desire to anticipate the electors of the 6th ward, who, they supposed intended a similar movement, I am compelled to state, both from my own observation and the most diligent inquiry, that such assertion is totally unfounded; and that the leaders of this mob were the same individuals who, at Masonic Hall, *planned* and *organized* this glaring violation of law and order; and am, although reluctantly, impelled to the conclusion, that no circumstances had arisen to justify or palliate the enormity of the offence. Indeed, from subsequent investigation, I am induced to believe that the project of taking forcible possession of the Arsenal was conceived and matured with much deliberation, and was intended to have been carried into effect at an earlier hour of that day.

The fact that the mob virtually admitted that they were not residents of the 6th ward, indicates that they had assembled by a preconcerted agreement from various parts of the city, to consummate their illegal design.

In conclusion, I beg leave respectfully to suggest the propri-

ety of an appropriation being made for the purpose of placing the Arsenal sheds and fences in such a condition as will render them hereafter secure ; and that provision be made by law for the punishment of those who may be guilty of similar outrages.

Upon a review of all the circumstances, I am convince ' that it is inexpedient, at this time, to change the location of the Arsenal in the City of New York.

Respectfully submitted.

HENRY ARCULARIUS,

Commissary General.

No. 4.

DOCUMENT NO. 13.

BOARD OF ALDERMEN,

JUNE 29, 1835.

The following communication was read from his Honor the Mayor, in relation to the late riots, and the death of Dr. McCaffrey; and a communication from the Coroner.

J. MORTON, *Clerk.*

MAYOR'S OFFICE, NEW YORK, JUNE 29, 1835.

Gentlemen of the Common Council:

I enclose to you a copy of a publication, made on Friday last, calling the attention of citizens to the laws prohibiting the frequenting of tippling houses, and the selling or disposing of intoxicating liquors on Sunday, and avowing the determination of the Magistrates to enforce the laws relating to this subject.

I also enclose a communication, received this morning, from the Coroner, relating to the death of Dr. William McCaffrey.

You are aware, gentlemen, of the outrages committed on Sunday, Monday and Tuesday evenings of last week; but when you last met it was not known that death had, in any instance, resulted from these disorders.

Doctor William McCaffrey, while engaged in the peaceful exercise of his profession, was assaulted and beaten in the public streets, and died on Friday, the 26th instant, of wounds received from some person or persons unknown.

Believing it to be the duty of the Municipal Authorities to take all proper measures to detect and punish all outrages on the lives and property of the citizens, I submit to the Common Council the propriety of offering a reward for the discovery of this atrocious outrage.

Whether the public good requires that extraordinary measures should be resorted to, for the detection of those who committed the various other acts of violence alluded to; or whether it is expedient to authorize the Mayor to issue a proclamation and offer a reward, in any future cases which may occur, of interruptions of the public peace, I submit for your consideration.

C. W. LAWRENCE.

NEW YORK, JUNE 29, 1835.

To the Honorable Cornelius W. Lawrence, Mayor, &c. :

MY DEAR SIR—Agreeably to your request I transmit a statement of the principal facts, connected with the outrage committed on the person of Dr. William McCaffrey, which has unfortunately resulted in his death.

The following is an extract from the certificate rendered to me by Drs. William J. Macniven, Hugh Sweeney, and David L. Rogers, the Physicians who made the post mortem examination of the deceased: "As the result of this examination, the undersigned are of opinion, that the late Dr. McCaffrey came by his death in consequence of the wounds of his head and chest."

From the circumstances detailed in the evidence taken before

me, it appears, that on Sunday evening, the 21st instant, the deceased left the house of Mr. Charles Macgunnigal, No. 111 Anthony street, between eight and nine o'clock, to visit a patient at No. 108, nearly opposite. A short distance from the door he was knocked down by a stone, or brickbat; on attempting to rise he was furiously assailed, and beaten with clubs. The deceased stated, in conversation with his brother, that he was attacked by a number of persons, none of whom could he identify; and that he was entirely ignorant of the cause of the assault. He died about ten o'clock, on the morning of Friday, the 26th instant.

The verdict of the Jury was, "That the deceased came to his death by reason of blows inflicted on his head and chest, by some persons unknown to the Jurors."

I am, Sir, very respectfully,

Your obedient servant,

WM. SCHUREMAN, *Coroner.*

The following resolution was presented by Alderman Labagh, and adopted by both Boards:

Resolved, That his Honor the Mayor be, and he is hereby authorized and requested, to issue a proclamation, and offer a reward of one thousand dollars, for the apprehension and conviction of the person or persons engaged in the riot on Sunday night, and who assaulted and beat Dr. William McCaffrey, which caused his death on Friday, the 26th instant.

No. 5.

NEW YORK, 7TH JANUARY, 1838.

Aaron Clark, Esq.

DEAR SIR—Your note, of the 6th instant, is before us and noticed. In reply, we can only say, we considered ourselves very fortunate at the time in getting off as well as we did. The whole damage that we sustained would not exceed fifty dollars; and that amount is made up from bursting open the store door, at which time they spoiled an over coat of one of our clerks, worth some twenty-five dollars; and for extra Watchmen, for a few nights subsequent.

Respectfully your obedient servants,

E. & J. HERRICK.

P. S. We handed your letter to our brother, S. H. Herrick, who received considerable damage from the flour rioters. He will probably report to you the amount of damage sustained.

No. 6.

NEW YORK, JANUARY 10, 1839.

Honorable Aaron Clark :

DEAR SIR—Your favor, of the 6th instant, was duly received, and would have been answered before, but it took us some time to get the bills of damage sustained by the mob riots of '1837.

Repairing store	\$ 74 11
Flour destroyed	108 00
Extra men to watch, &c. . .	30 00
	<hr/>
	\$212 11

As to an accurate calculation respecting the fears of persons who ship property from Europe or the Western States, we cannot say ; but we have frequently had it suggested, that it was dangerous to have flour stored here during the winter, as there was no security from Corporations or underwriters, where property was destroyed by those mobs.

Very respectfully,

Your obedient servants,

S. H. HERRICK & SON.

No. 7.

TO THE ELECTORS

OF THE CITY AND COUNTY OF NEW YORK.

☞ It being understood, that at the last Charter Election, the Federal Inspectors of Elections assumed the power of rejecting legal votes, tendered to them by electors who offered to comply with all the conditions, and possessed all the qualifications required by law; and that the Inspectors intend to pursue the same course at the approaching election in November, the Democratic Republican General Committee of the City and County of New York, have thought it their duty, under the advice of Counsel, to submit to the electors the following statement of their rights:

The following sections contain the law, and the whole law, respecting the qualifications of voters, except as it regards persons of color:

"Every male citizen, of the age of twenty-one years, who shall have been an inhabitant of this State *one year* next preceding any election, and for the last *six months* a resident of the county where he may offer his vote, is entitled to vote in the town or ward where he *actually resides*, and not elsewhere, for all officers that now are, or hereafter may be, elected by the People."

"If any person offering to vote shall be challenged as unqualified by an Inspector, or by any other person entitled to vote at the same poll, the Board of Inspectors SHALL declare to the person so challenged, the qualifications of an elector."

"If he shall state himself to be duly qualified, and the challenge shall not be withdrawn, *one of the Inspectors SHALL then tender to him the following Oath:*

"You do swear (or affirm) that you are a citizen of the United States, of the age of twenty-one years; that you have been an inhabitant of this State for *one year next preceding this election*, and for the *last six months* a resident of this county; that you are *now* a resident of this town, (or ward, as the case may be,) and that you have not voted at this election."

"If any person shall refuse to take the oath so tendered, his vote shall be rejected."

It will be perceived, therefore, that the law has very properly given the Inspectors *no discretion* to judge of the qualifications of the person tendering his ballot, *but that it is their DUTY, on the challenge being made, to declare to him the qualifications of an elector, and that if he shall then state himself to be duly qualified, ONE OF THE INSPECTORS SHALL* tender him the oath; and they are ALL liable to indictment if they do not.

Although there may be no objection to answer a civil question of the Inspectors, where it is honestly asked for the purpose of obtaining information, and not for the purpose of embarrassing the elector; still they have no *legal* right to ask any questions of the voter, and he has a right to refuse to answer any such questions, to declare that he is duly qualified and claim to have the oath administered to him. Neither have the Inspectors any right to require of the voter the production of any papers, or any other evidence of his qualifications, except the oath; and if the voter swears falsely, the remedy is to indict and punish him for the perjury.

To our adopted citizens particularly, we would say, that the Inspectors have no right to require the production of their naturalization papers; but that if they know themselves to be naturalized, and to possess the other necessary qualifications, it is their right and their duty as good citizens, to *demand* that

the oath be tendered to them. It may, notwithstanding, be well for them to have their papers with them, if convenient.

The following section of the act will show that any Inspector (who, after the voter shall have declared himself to be duly qualified,) shall refuse to tender the oath, is liable, not only to a civil suit for damages in favor of the voter, but to a criminal prosecution for a misdemeanor :

“ If any officer, on whom *any duty* is enjoined in this Chapter, shall be guilty of *any wilful neglect of such duty, or of any corrupt conduct in the execution of the same*, and be thereof convicted, he shall be guilty of a misdemeanor, punishable by fine or imprisonment ; the fine in no case to exceed the sum of 500 dollars, nor the imprisonment the term of one year.”

The General Committee have thought it their duty to publish this statement, because, if the Inspectors are permitted to *disregard the law*, and to substitute, in the place of it, *their own discretion*, the Elective Franchise, in high party times like the present, will not be worth possessing ; and the Committee do hope, that the electors of the City and County of New York will adopt the above suggestions ; and further, that in every case of a *neglect of duty* on the part of the Inspectors, to tender the oath or otherwise, they may be prosecuted with the utmost rigor of the law.

By order of the General Committee.

ELIJAH F. PURDY,

Secretary.

New Era will please copy.

Evening Post, November 1st.

No. 8.

REPORT

FROM THE COMPTROLLER IN RELATION TO OFFICERS
ATTENDING ELECTIONS.

Resolved, That the Comptroller report to this Board the number of Watchmen and Deputy Marshals appointed, and who received compensation or who claim the same for attendance at the polls during the recent election, the amount of compensation paid to each, where employed, under whose directions they acted, and by whom appointed, and the amount, if any, paid for refreshments.

BY ELIJAH F. PURDY.

COMPTROLLER'S OFFICE, Dec. 31st, 1838.

*To the Honorable the Board of Aldermen of the City of
New York:*

In obedience to a resolution submitted by Alderman Purdy of the 10th ward, which is in the following words, "*Resolved*, That the Comptroller report to this Board the number of Watchmen and Deputy Marshals appointed, and who received compensation, or who claim the same for attendance at the polls during the recent election, the amount of compensation to each, where employed, under whose direction they acted, and

by whom appointed, and the amount, if any, paid for refreshments," the undersigned respectfully reports:

That there were employed during the recent election the following number of Watchmen to preserve the peace, under the direction of his Honor the Mayor, with the stations at which they were located in readiness, at any moment to act under the orders of the Police Magistrates or Members of the Common Council, to prevent or suppress any disturbance which might occur.

Capt. Haydock—1st District.

Court Sessions, Park.

37 men 5th, 6th, 7th Nov. elections, 3 days each 16s.	\$222 00
6 men 2 days each 16s.	24 00
6 men 1 day each 16s.	12 00
1 Captain 3 days 16s.	6 00
2 Assistant Captains 3 days each 16s.	12 00

Capt. Scott—1st District.

Alms House, Park.

27 men 6th and 7th Nov. 2 days each elections 16s.	\$108 00
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Franklin Market.

9 men 1 day each 16s.	18 00
1 Captain 2 days 16s	4 00
2 Assistant Captains 2 days each 16s.	8 00
	<hr/> 138 00

Capt. Knapp—2d District.

Watch House, Eldridge Street.

66 men 7th Nov. Elections 1 day each 16s.	\$132 00
1 Captain 1 day	2 00
1 Assistant Captain 1 day	2 00
	<hr/> 136 00
Carried forward	<hr/> \$550 00

Brought forward . . \$550 00

Capt. Batchelor—3d District.

5th, 6th, *Sessions Room, Park*—7th, *Sessions Room,
Park, part of day, and ordered to Mercer Street.*

24 men Nov. 5th, Elections 1 day each 16s.	\$48 00	
16 men Nov. 6th, " 1 day each 16s.	32 00	
57 men Nov. 7th, " 1 day each 16s.	114 00	
1 Captain 3 days 16s .	6 00	
2 Assistant Captains 3 days each 16s	12 00	
	<hr/>	212 00

Capt. Wheeler—3d District.

Harlaem and City Hall.

50 men 2 days each 16s. . . .	\$200 00	
1 Captain 2 days 16s. . . .	4 00	
2 Assistant Captains 2 days each 16s .	8 00	
	<hr/>	212 00

Capt. Demarest—4th District.

Alms House, Park.

66 men 1 day each Nov. 7th . . .	\$132 00	
1 Captain	2 00	
1 Assistant Captain	2 00	
	<hr/>	136 00

Capt. Teel—6th District.

Bazaar, Crosby Street.

61 men Nov. 6th, 16s. each . . .	\$162 00	
93 men Nov. 7th, 16s. each . . .	186 00	
<i>At Aldermen Whitehead's, in charge of ballot boxes.</i>		
2 men Nov. 7th, 10s. each . . .	2 50	
1 Captain 2 days 16s	4 00	
1 Assistant Captain 2 days 16s. . . .	4 00	
	<hr/>	358 50
Carried forward	\$1,468 50	

Brought forward . . . \$1,468 50

Capt. Van Benthuyssen—6th District.

Halls of Justice.

29 men 5th, 6th, 7th Nov. 3 days 16s.	. \$174 00
7 men 2 days 16s.	. . . 28 00
51 men 1 day 16s.	. . . 102 00
1 Captain 3 days 16s.	. . . 6 00
2 Assistant Captains 3 days 16s.	. . 12 00
82 men half a night each 10s.	. . 51 25
1 Captain half a night 20s.	. . 1 25
2 Assistant Captains half a night 16s.	. . 2 00

At Alderman Crolius'.

4 men in charge of ballot boxes 20s. 7th	
Nov.	10 00
2 men in charge of ballot boxes 10s.	. 2 50

At Alderman Whitehead's.

2 men in charge of ballot boxes 10s.	. 2 50
	<hr/> 391 50
	<hr/> \$1,860 00

The undersigned respectfully reports that the following number of Officers were stationed at the different polls as designated. As to who were appointed Deputy Marshals, I cannot answer. I give the account of Marshals, Constables, &c. employed as rendered with the certificate of the Inspectors of Elections of their being employed, and the approval of the Mayor that these accounts are correct, which is my authority for payment under the Ordinances.

1st WARD.

4 Officers, 6 days each, 24 days	
10 " 3 " " 30 " 54 days, \$2.	\$ 108 00
Carried forward . . .	<hr/> \$1,968 00

Brought forward	.	.	.	\$1,968 00
2d WARD.				
7 Officers, 6 days each, 42 days				
6 " 3 " " 18 " 60 days, \$2.	.			120 00
3d WARD.				
6 Officers, 6 days each, 36 days				
2 " 4 " " 8 " 44 days, \$2.	.			88 00
4th WARD.				
18 Officers, 6 days each, 108 days				
2 " 2 " " 4 " 112 days, \$2.	.			224 00
5th WARD.				
7 Officers, 6 days each, 42 days				
42 days, \$2.	.			84 00
6th WARD.				
11 Officers, 6 days each, 66 days				
1 " 1 " " 1 " 67 days, \$2.	.			134 00
7th WARD.				
15 Officers, 6 days each, 90 days				
1 " 3 " " 3 " 93 days, \$2.	.			186 00
8th WARD.				
10 Officers, 6 days each, 60 days				
8 " 4 " " 32 "				
1 " 3 " " 3 "				
1 " 1 " " 1 " 96 days, \$2.	.			192 00
9th WARD.				
5 Officers, 6 days each, 30 days				
9 " 3 " " 27 " 57 days, \$2.	.			114 00
10th WARD.				
6 Officers, 6 days each, 36 days				
5 " 3 " " 15 "				
8 " 1 " " 8 " 59 days, \$2.	.			118 00
Carried forward	.	.	.	<u>\$3,228 00</u>

Brought forward . . . \$3,228 00

11th WARD.

10 Officers, 6 days each, 60 days, 60 days, \$2. . 120 00

12th WARD.

3 Officers, 6 days each, 18 days

10 " 4 " " 40 "

1 " 2 " " 2 "

4 " 1 " " 4 " 64 days, \$2. . 128 00

13th WARD.

6 Officers, 6 days each, 36 days

10 " 3 " " 30 " 66 days, \$2. . 132 00

14th WARD.

6 Officers, 6 days each, 36 days

13 " 3 " " 39 "

1 " 1 " " 1 " 76 days, \$2. . 152 00

15th WARD.

10 Officers, 6 days each, 60 days, 60 days, \$2. . 120 00

16th WARD.

5 Officers, 6 days each, 30 days

17 " 5 " " 85 " 115 days, \$2. . 230 00

17th WARD.

16 Officers, 6 days each, 96 days, 96 days, \$2. . 192 00

255 Officers. 1,221 days. \$4,302 00

The High Constable had 13 Officers to preserve

the peace in the 6th ward, during said elec-

tion, 3 days each, at \$2. 78 00

\$4,380 00

No payments were made from this Department for refreshments furnished any Officers.

All which is respectfully submitted.

D. D. WILLIAMSON, *Comptroller.*

No. 9.

COMPTROLLER'S OFFICE,

January 15, 1839.

TO THE HON. AARON CLARK,

Mayor of the City of New York.

Sir,—In answer to your inquiries relative to the expenditures for quelling riots for some time back, the following is the result, commencing at riot at the Charter Election of 1834.

Paid extra Peace Officers, Watchmen, &c.	.	\$1,150	40
Do. do. and refreshments	.	544	22
		<u>\$1,694</u>	<u>62</u>

There was paid for same Election for Officers attending the polls \$757 25.

Expenses of Riots in July, 1834.

For Officers	.	.	.	.	.	\$	852	00
" Watchmen	.	.	.	.	.		3,791	13
" Refreshments		2,383	31
" Sundries		305	25
							<u>\$7,331</u>	<u>69</u>

Paid Watchmen, Riot April, 1835	.	.	\$58 37
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Paid Watchmen, Riots 23d June to 4th July, 1835	\$2,869 32
--	---	---	---	---	---	------------

1836.

Riot of Stevedores—for ammunition	.	.	\$ 75 00
Officers extra services	.		306 82
			<u>\$381 82</u>

Riot in March—Extra Watch	.	\$ 40 00
“ May—Extra Officers	.	9 00
“ June and July, extra Officers and Watch	.	164 00
		<u>\$213 00</u>

1837.

Riots 13th and 14th February, and 6th March,
and 29th April.

For Officers extra services	.	.	.	\$ 141 00
“ Ammunition	.	.	.	117 00
“ Refreshments—military	.	.	.	349 00
“ Extra Watch	.	.	.	1,731 50
				<u>\$2,338 50</u>

Preserving the Peace 10th May, 1837.

For Officers to protect Banks	.	.	.	\$ 46 00
“ Ammunition for Artillery	.	.	.	69 00
“ Refreshments and Extra Watch	.	.	.	709 75
				<u>\$824 75</u>

In Autumn of 1838.

Preserving the Peace during the Lectures of Fanny
Wright at Masonic Hall.

For Police Officers	\$ 53 00
" Extra Watch, &c.	271 50
	<hr/>
	\$324 51
	<hr/>

Respectfully submitted.

D. D. WILLIAMSON,
Comptroller.

No. 10.

DOCUMENT NO. 30.

BOARD OF ALDERMEN,

FEBRUARY 6, 1839.

The following report was received from the Commissioners of the Alms House, in answer to a resolution calling upon them for the amount of expenses for refreshments furnished to the Watchmen and other Peace Officers, during the late Election. Which was laid on the table and ordered to be printed.

THOMAS BOLTON, *Clerk.*

Resolved, That the Commissioners of the Alms House report to this Board the expense, if any, incurred in furnishing refreshments to Watchmen or other Peace Officers, during the recent election.

By Elijah F. Purdy.

The Commissioners of the Alms House ask leave to report upon the annexed resolution of the Board of Aldermen, that on the evening preceding the first day of the late election in this

city, they were called upon by his Honor the Mayor, with the request that provision should be made, at the Old Alms House, to supply refreshments to such number of Watchmen and others, as he should deem proper to have quartered in the Sessions room during the election. That they did make such provision, partly from the ordinary provisions of the house, and partly from purchase for the special purpose ; and supplied over three hundred persons for three days. But inasmuch as the charges attending this are merged in the other bills of the establishment, the amount cannot be reported with precision ; but it is estimated, by the agent, to be about four hundred and fifty dollars. At the close of the period referred to, the provisions remaining was sent to the Debtors' Jail and City Prison. The Commissioners respectfully request that the Comptroller be instructed to place the said amount of four hundred and fifty dollars to the credit of the Alms House Department.

Respectfully submitted by the Commissioners.

P. W. ENGS,

Chairman of Commissioners.

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FEBRUARY 6, 1839.

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Respectfully submitted by the Commissioners.

P. W. ENGS,

Chairman of Commissioners.





DOCUMENT NO. 31.

BOARD OF ALDERMEN,

FEBRUARY 11, 1839.

Report of the Committee on Laws, &c. on the resolution relating to taxes on the Croton Aqueduct. Which was adopted and ordered to be printed.

THOMAS BOLTON, *Clerk.*

At a meeting of the Board of Aldermen, July 30, 1838, the following resolution was adopted, viz. :

Resolved, That so much of the semi-annual report of the Water Commissioners of the 2nd July, 1838, as relates to levying taxes on the land and unfinished work and materials of the aqueduct, by the Assessors of the Town of Greensburgh, be referred to the Committee on Laws and Applications to the Legislature.

The Committee on Laws, &c. to whom was referred the an-

nexed resolution relating to the levy of taxes on the land and unfinished work of the Croton Aqueduct,

REPORT:

That the Assessors of the Town of Greensburgh and of Mount Pleasant, have made an assessment upon the Corporation of this City, for the value of the lands in their respective towns, in the County of Westchester; not only of the land which has been taken and appropriated for the Croton Aqueduct, but for the value of the materials actually placed in the work; and that the amount of the tax has been paid by the Water Commissioners. The Committee are of opinion that it is not just or reasonable that the Corporation should be charged taxes upon the value or cost of the aqueduct through the County of Westchester. It is a work undertaken, not as a source of revenue or for profit, but for the health and benefit of the citizens of New York, and those who may frequent the city; they would therefore recommend, that an application be made to the Legislature of this State, to exempt from taxation all erections and improvements in any manner connected with the Croton Aqueduct, in the County of Westchester; and that the lands which have been taken and are held for the purpose of that aqueduct, shall be assessed at the value of the land only, exclusive of all improvements thereon; for which purpose they recommend the passage of the following resolution:

Resolved, That the Committee on Laws, &c. of both Boards, adopt the necessary measures to procure the passage of a law providing for the exemption from tax of the improvements on the Croton Aqueduct, and that a proper memorial be executed, under the seal of the Common Council.

JAMES LYNCH,
THOMAS JEREMIAH.





DOCUMENT NO. 32.

BOARD OF ALDERMEN,

FEBRUARY 11, 1832.

Report of the Committee on Laws, on resolution relating to the suppression of gambling. Which was adopted and ordered to be printed.

THOMAS BOLTON, Clerk.

Resolved, That the Committee on Laws be instructed to draft and report to this Board, such amendments to the laws respecting gambling in this city, as they may deem necessary for the prevention of that vice, in order that the same may be presented to the Legislature as soon as possible.

By R. Smith.

The Committee on Laws, &c. to whom was referred a resolution requiring them to draft and report to this Board, such amendments to the laws respecting gambling in this city, as

they may deem necessary for the prevention of that vice, in order that the same may be presented to the Legislature as soon as possible,

REPORT:

That, in their opinion, the objects proposed to be attained would be effected if a law should be passed by the Legislature, such as is hereto annexed; they therefore recommend the adoption of the following resolution:

Resolved, That the Joint Committee on Laws and Applications to the Legislature of both Boards, be instructed to adopt measures to procure the passage of the law hereto annexed, and that a proper memorial be executed under the seal of the Common Council.

JAMES LYNCH,
JOSEPH R. TAYLOR,
THOMAS JEREMIAH.

AN ACT

FOR THE MORE EFFECTUAL PUNISHMENT OF CRIME IN THE CITY
AND COUNTY OF NEW YORK.

*The People of the State of New York, represented in Senate
and Assembly, do declare and enact as follows :*

§ 1. The keeping of a gambling house, a house of prostitution, a house of assignation, or any other disorderly house in the City of New York, by any person or persons whomsoever, shall be, and is hereby declared to be a misdemeanor, and indictable as such ; and, upon conviction thereof, the offender shall be subject to a fine not exceeding \$500, or to imprisonment not exceeding one year, or to both, in the discretion of the court before whom the same is tried.

§ 2. On complaint being made, under oath, to any of the Magistrates in the City of New York, authorized to issue warrants for the apprehension of offenders, that any house or premises in the City of New York, is kept as a public gambling house, or for the purpose of gambling, within the intent and meaning of this Act, it may be lawful for such Magistrate, at his discretion, to issue a warrant to any Constable or Marshal, of the said city, authorizing such Constable or Marshal to enter such house or premises, and arrest and take into custody the person or persons keeping such gambling house, or playing in the same, or aiding and assisting thereat ; and also, to take possession of all the tables, money or representative of money, implements, and other articles used for the purposes of gaming, in such house or premises, and convey such person or persons before the Magistrate issuing such warrant, or any of the Special Justices for preserving the peace in the City of New York.

§ 3. It shall be the duty of the Magistrate before whom such person or persons may be brought, to require a recognizance, with sufficient sureties, from the person or persons so keeping such house or premises, or aiding and assisting thereat, to answer the offence at the next Court of General Sessions of the Peace in the said City ; and the other persons so arrested shall give security for their appearance to testify at such court, and in default of giving such sureties, the persons so arrested shall be committed to prison.

§ 4. The implements of gaming and moneys so taken possession of, shall be delivered over, under oath, by the officer seizing the same, to the Court of General Sessions, or the Court of Special Sessions for the said City, who may direct said implements to be destroyed, and the monies paid into the City Treasury.

DOCUMENT NO. 33.

BOARD OF ALDERMEN,

FEBRUARY 11, 1839.

Report of the Committee on Laws relating to the collection of fines and recognizances, which was adopted and ordered to be printed.

THOMAS BOLTON, Clerk.

Resolved, That it be referred to the Committee on Laws to inquire into and report on the expediency of applying to the Legislature for a law to amend the several Acts in relation to the District Attorney, so as *more clearly* to define the duties and compensation of that officer.

The Committee on Laws, &c. to whom was referred a resolution requiring them to inquire and report on the expediency of applying to the Legislature for a law to amend the several Acts in relation to the District Attorney, more particularly to define the duties and compensation of that officer,

REPORT:

That by the Revised Statutes it is, among other things, made the duty of the District Attorney, in each of the Counties of the State, except New York, to issue a summary process for the collection of fines on defaulting Grand and Petit Jurors, but in the City of New York the District Attorney is authorized to commence suits in the Court of Common Pleas, and to recover costs in that Court, however small the fine may be; the effect of which is to create a great and unnecessary tax upon the citizens. By the existing laws the District Attorney is required to commence prosecutions upon all recognizances, and the proceedings are the same as in civil cases, and if the costs are not paid, he claims the right to be allowed the full amount as a county charge. This, as will appear, by a statement of the accounts of the District Attorney for three years past, subjects the county to a heavy and unnecessary charge, and the Committee are of opinion that some provision should be made to excite the District Attorney to greater vigilance and activity, as well in collection of the debts, as of calling the attention of the Courts to the errors committed in taking insufficient bail.

During the last three years, the District Attorney in this city has received for fines the sum of \$8,642 45, and has charged to the county for costs in cases where nothing could be collected, the sum of \$4,916 59, and that he has collected on recognizances the sum of \$1,734 19, and has charged the County the sum of \$10,906 61 for costs, in cases where nothing could be collected, in addition to \$2,484 63 paid Clerks' fees on fines. In order to avoid such a result in future, the Committee are of opinion, that in suits or recognizances where the District Attorney cannot collect the costs of the defendant he should be permitted to charge the county only the amount he has to pay for actual disbursements; the Committee therefore recommend the passage of the following resolution:

Resolved, That the Committee on Laws, &c. of both Boards, adopt the necessary measures to procure the passage of the law which is hereto annexed, and that a proper memorial be executed under the seal of the Common Council.

JAMES LYNCH,
JOSEPH R. TAYLOR,
THOMAS JEREMIAH.

AN ACT

RELATIVE TO THE COLLECTION OF FINES AND RECOGNIZANCES
IN THE CITY OF NEW YORK.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

§ 1. All the provisions contained in article second, title 6th, of chapter 8, of part 3d, of the Revised Statutes, from section 16 to section 42d inclusive, shall apply to the several Courts of Record of the City and County of New York—and sections 43d, 44th and 45th of the same article are hereby repealed.

§ 2. In cases where the District Attorney of the City and County of New York shall prosecute recognizances to the People of the State, the avails of which are to be paid into the City Treasury, he shall not be authorized, where the same cannot be collected of the defendants, to charge to the county any fees thereon, and he shall be entitled to charge only the actual disbursements therein incurred.

§ 3. All provisions in the existing laws inconsistent with those contained in the first and second sections, are hereby repealed.

DOCUMENT NO. 34.

BOARD OF ALDERMEN,

FEBRUARY 11, 1839.

The following communication was received from the Comptroller, with a letter from R. Emmet, Esq. and the Opinion of the Vice Chancellor, in the matter of John R. Livingston vs. the Mayor, Aldermen and Commonalty of the City of New York. Which was ordered to be printed for the use of the members and placed on file.

THOMAS BOLTON, Clerk.

COMPTROLLER'S OFFICE, FEBRUARY 11, 1839.

To the Honorable the Common Council of the City of New York:

The undersigned has the honor herewith to submit a communication received by him this day, from Robert Emmet, Esq. late Counsel of the Corporation, together with the opinion of the Vice Chancellor, in the matter of John R. Livingston, vs.

the Mayor, Aldermen and Commonalty of the City of New York. This suit was instituted to compel the city authorities to execute to said Livingston a grant of the premises lying between Rivington and Stanton streets, and between Goerck street and the East River, (now occupied as a Public Yard) for the reason that he, Livingston, had a grant from the City of the land to the upper side of Goerck street. The result of which is that the complainant's bill has been dismissed with costs.

Respectfully submitted.

D. D. WILLIAMSON, *Comptroller.*

NEW YORK, FEBRUARY 11, 1839.

D. D. Williamson, Esq. Comptroller &c. :

DEAR SIR.—In October, 1836, a bill was filed in the Court of Chancery, by John R. Livingston, Esq., to compel the Corporation to execute to him a grant of the premises lying between Rivington street and Stanton street, and between Goerck street and the East River, being formerly land under water, lying in front of certain premises granted by the Corporation to Mr. Livingston on the 14th December, 1807, which land was filled up by the Corporation, and the expense thereof paid out of the City Treasury, and a part of which was, by a resolution passed 15th May, 1835, appropriated to the Superintendent of Buildings and Chief Engineer, and the workshops appertaining to their departments. An answer was filed to the said bill on the part of the Corporation, and the cause was brought to a hearing before the Vice Chancellor in December, 1837, and the Vice Chancellor, on the 28th of January last, made his decision directing that the bill should be dismissed with costs. This decision may be appealed from to the Chan-

cellor, and thence to the Court of Errors, but I deem it my duty to apprise you of our success so far, and I send you a copy of the Vice Chancellor's opinion.

Very respectfully, your obedient servant,

R. EMMET.

John R. Livingston, vs. The Mayor, Aldermen and Common- alty of the City of New York.	}	Copy Opinion of Vice Chancellor.
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1839. January 28.

This case presents important questions to the Corporation of this City, as to the nature of their title to the lands under water, which they have acquired by the laws of the State, and by grants from the Commissioners of the Land Office, and as to the purposes and objects of such grants, in reference to the rights of individuals owning the adjacent uplands.

It appears to be conceded, that the owners of lands fronting on the river have the pre-emption, that is, the right to purchase or have the land under water adjacent to, and lying in front of their respective uplands, granted to them by the Corporation in preference to any other person or purchaser. They are to be preferred as grantees whenever the Corporation think proper to issue such grants, provided such owners are willing to accept the terms upon which the Corporation propose to issue them. But the complainant, in the present case, goes further. He claims the right of ownership in the land reclaimed and filled up in front of his original upland and former grant, as far out as the exterior line of the city on the East River, called Tompkins street, even against the will and determi-

nation of the Common Council. Whether he has this right, and is to be deemed the owner, seems to depend upon the meaning and application of sections 220, 221, 222, of the Act of 10th April, 1813; (2nd Laws of N. Y. 432;) and the true construction and meaning of the Act of April 13th, 1826; (Laws of 49th Session, 155.)

From the best consideration which I have been able to give this subject, I am satisfied to adopt the views of the defendants' Counsel in regard to these laws, and to hold that the sections referred to, of the Act of 10th April, 1813, do not apply to the case in hand; and that the subsequent Act of 13th April, 1826, cannot be construed to give the complainant the right and ownership which he claims.

Independent of the other objections taken to his coming into this Court, even if he is right in his claim; to the want of parties, his grantees of different portions of the upland not being complainants; and the want of an offer to do equity, by paying the expense of filling up as far as the Corporation have filled up the premises in question; and, without considering the effect of the complainant's release of the wharfage and cranage, executed by him to the defendants, on the 14th December, 1807, I am of opinion that the bill must be dismissed with costs.

DOCUMENT NO. 35.

BOARD OF ALDERMEN,

FEBRUARY 11, 1839.

The following report of the Committee on Public Lands and Places, on the petition of Messrs. Dickey and Doughty and others, relative to closing streets and avenues for the establishing Rural Cemeteries, was ordered to be printed for the use of the members.

THOMAS BOLTON, Clerk.

The Committee on Lands and Places, to whom was referred the annexed papers from the Board of Assistants in favor of closing the streets from 140th to 143d street inclusive, between the Kingsbridge road and the 10th avenue; also, to close 137th and 138th streets, from the 11th to the 12th avenues, for the purpose of enabling the owners of said grounds to appropriate them to the use of Rural Cemeteries,

REPORT:

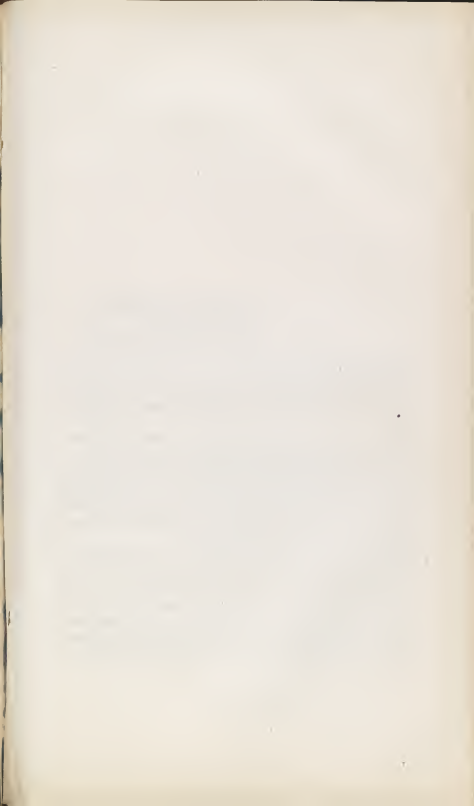
That they have caused the several propositions to be advertised for objections the usual time, none have been presented—it would appear that none exist therefore—and for reasons embodied in the report from the Board of Assistants, they recommend a concurrence in the resolutions as passed by them, with an amendment fixing the location of the Kingsbridge road, limiting the time when the grounds shall be “devoted and dedicated” to the purpose of a Cemetery.

Amendment to the first resolution by striking out the words “in accordance with the proposition of the report” from the 6th and 7th lines, and inserting the following, viz: “The additional ground required to make it such width, to be ceded by the proprietors of the intended Rural Cemetery, and its westerly line to be located 200 feet east of the 9th avenue, and parallel therewith.”

The Committee also recommend the following amendment be added to each resolution, “provided that such dedication be completed in proper form by the 1st day of May, 1840,” and to the satisfaction of the Committee on Laws of both Boards.

WM. WELLES HOLLY,
JAMES LYNCH,
J. PHILLIPS PHOENIX.





REPORT

OF THE

Committee on Roads and Canals

ON

THE PETITION OF THE

HARLAEM RIVER CANAL COMPANY,

TOGETHER WITH

AFFIDAVITS RELATING TO THE SAME.

PRINTED BY ORDER OF THE COMMON COUNCIL.

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

DOCUMENT NO. 36.

BOARD OF ALDERMEN,

FEBRUARY 11, 1839.

The Committee on Roads and Canals, to whom was referred the petition of the Harlaem River Canal Company, for permission to cut a canal from Harlaem River to Spuyten Duyvel Creek, &c. &c. presented the following report thereon. Which was laid on the table and directed to be printed for the use of the members.

THOMAS BOLTON, Clerk.

The Committee on Roads and Canals, to whom was referred the memorial of the Harlaem River Canal Company, requesting permission of this Corporation to cut a canal from Harlaem River to Spuyten Duyvel Creek; also a report of the Committee on Roads and Canals of the Board of Assistant Aldermen, recommending the construction of this canal at the expense of the city, both of which are hereunto annexed, respectfully

REPORT:

The project of connecting Harlaem River with Spuyten

Duyvel Creek, appears to have been agitated by certain individuals, at least as long ago as 1827; for in that year a Company was chartered by the Legislature, with full powers to cut a canal of large dimensions, with basin appended when necessary, on condition of first obtaining the consent of this Corporation.

The time allowed for constructing this canal, by the Act above referred to, was two years. Why this Company did not avail themselves of the privileges granted in this charter, the memorialsts do not inform us. It is, however, fair to presume, that the certainty of receiving nothing by way of interest on the outlay, was the real cause. In 1838 the same Company applied to the Legislature for an Act to revive and continue the Act of 1827, which was granted. About the same time application was made to this Corporation, with the consent, if not by the request of this Company, to construct this canal at the expense of the city. From the above facts it is fair enough to presume, that this Company, up to the time this memorial was presented, did not intend to construct this canal itself, but, if possible, induce this Corporation to construct it at the expense of the public.

This Committee have examined the report of Mr. Schaeffer, who was employed by the Common Council to make a survey of Harlaem River and Spuyten Duyvel Creek; they have also examined the report made to the Board of Assistant Aldermen, and have taken some pains to inform themselves of the difficulties to be overcome, and the advantages to be gained, by this work. The conclusions which this Committee have formed, are generally at variance with those found in the reports alluded to. The Act, authorizing the Company to make this canal, confers no power to encroach on the Westchester side; which is absolutely necessary, to make the navigation easy, by avoiding the serpentine course of Spuyten Duyvel Creek.

The difficulty of keeping the channel open at the mouth of the creek, of sufficient depth to admit the passage of vessels at all times of tide, will be found much greater than has generally been anticipated. It is a well known fact, that sand bars

are usually formed across small streams, where they enter large ones, by reason of the difference in the force of the currents; and as the same cause will always produce the same effect, they will re-form as often as they are removed. The sand bar across the mouth of this creek affords about eighteen inches of water at common low tides, and is frequently left entirely bare.

Mr. Schaeffer has not noticed this natural obstruction to the navigation of Harlaem River; probably for the reason, that he could not attribute its formation to the influence of McComb's dam, and therefore disposed of it in the summary manner he has the shallows and angles in other parts of the river; or possibly it will not suit the interests of those for whose especial benefit this survey appears to have been made, to notice any obstruction that could not be easily removed.

The formation of mud flats and banks, below McComb's dam, is properly accounted for; and as the Village of Harlaem becomes more densely populated, and the streets leading to the river regulated and paved, still greater quantities of earth will be carried into it, and consequently lessen the depth of water in the channel. That the mud deposited in the bed of the river, within and near those dams, has been detained there by obstructing the natural course of the tide, is very evident; but that the narrow and extremely crooked channel, and rapid filling of the river observed in other places, are all produced by the same cause, will not as readily be believed.

It must be evident to the most superficial observer, that large alluvial deposits have been made long before any artificial obstructions were placed in the river, and that the same cause will continue to operate after they have been removed.

It is a well known fact, that the tide flows in at both extremities of Harlaem River; causing slack water in some portion of it at every flood, and consequently depositing whatever loose earth is floated to the place, where a portion of it remains for want of sufficient strength in the current to force it away.

This cause would probably operate to a much greater ex-

tent, if it were not for the irregularity of the tides in the East and North Rivers; which frequently changes the place where the tides meet, and sometimes produces a current throughout the whole extent of Harlaem River and Spuyten Duyvel Creek, which prevents the channel from filling up altogether. No other probable reasons than those expressed above, can be given for the extreme crookedness and irregularity found in the channel, a short distance below Fordham bridge, and mentioned in Mr. Schaeffer's report.

That the causes given by the Engineer for these irregularities are not the true ones, is evident from the fact, that the channel is found to be in the same place it was before the dam was built, and of little less capacity.

This Committee feel warranted in giving the above opinion by the evidence of persons who have been long acquainted with the river, and who had no interest in making statements that are not strictly true.

These opinions are supported by the testimony of twelve persons given twenty years ago, and appended to this report; and which ought to be carefully examined in order to make up a just estimate of the value of Harlaem River for navigable purposes. It is a question worthy of consideration, whether this Corporation would be justifiable in granting the request of the memorialists, after having sanctioned an Act of the Legislature passed in 1813, granting to Robert McComb and his heirs forever, certain privileges, which this canal will materially injure, if not entirely destroy.

The question whether Mr. McComb did actually violate his charter, by not complying with all its conditions, must be settled by a higher tribunal than this Common Council; and until it is so settled, it would be evidently unjust in this Corporation, to deprive the parties who are in possession of those privileges of their rights, without first stipulating for the payment of damages.

The advantages to be gained by improving the navigation of Harlaem River, have, in the estimation of this Committee, been

highly over-rated. We are told, (see Document No. 126, vol. 2d of Reports of the Board of Assistant Aldermen,) that it will afford a safe and convenient passage for vessels trading between places on the East and North Rivers; that it will give a water front of seven miles in extent along the northern extremity of our city, and by that means advance our mercantile interests. That it will be made the great lumber mart of our city; and that it will be the means of bringing to market large quantities of marble and other building materials, which have become unavailable to us by the construction of McComb's dam. We are also told that the vicinity of Harlaem River will afford an excellent location for manufacturing establishments, that the neighboring heights will be occupied with villas and country seats, and the river be made use of for aquatic excursions.

The arguments above referred to may be applicable to future times; that some of the advantages now anticipated may be hereafter realized, this Committee will not deny; but that the expenditure of money for the improvement of the navigation of Harlaem River will, at this time, benefit the interests of the city at large, remains, in the estimation of this Committee, yet to be proved.

If this canal should be made of sufficient depth to admit the passage of such vessels as usually navigate the Sound; is it probable that such vessels would leave the open track before them, and enter Harlaem River through a narrow, crooked and rocky channel, pass through three draw bridges, pay the expense of being dragged through half a mile of canal, and warped through an equal extent of Spuyten Duyvel creek; a large portion of the channel being too narrow to work a vessel with any other than a fair wind, would make the navigation still more difficult, and often impossible. That Harlaem River will never be used for such purposes must be evident, when it is considered that the whole distance gained is only fifteen miles.

If it be admitted, that at a considerable expense, an available water front can be obtained along the northern extremity of

the city, still the question will be asked, why incur this expense at this time, when we are in possession of twenty-two miles of water front, only seven of which have been brought into use, and a large portion of this unprofitably occupied. Many of our docks have become useless by being filled with mud, which is suffered to remain because the dockage will not pay the expense of clearing it away; and the continued objections made to petitions for building piers in the North River is, that they are not required for public convenience, and that they will pay no revenue to the city.

Why then expend large sums of money to open a water front at the upper extremity of the city, when we have ample accommodations at its lower section, which may be increased to almost any extent that may be required. It has been observed by commercial men who have had the best opportunities of informing themselves on this subject, that the City of New York affords greater facilities for conducting its commercial transactions than any other place. This is owing to the concentration of the most important part of its business within a small compass, and any attempt to divert it from its present location, must have the effect of driving it to Brooklyn, where greater conveniences are offered than Harlaem River ever can possess.

It is said this improvement is required in order to afford accommodations to our canal boats, which, when the enlargement of the Erie Canal shall be completed, will be enabled to descend the Hudson without stopping at Albany. It is difficult to imagine why these boats laden with produce and destined for the New York market, should turn aside from their course and land their cargoes at some point on Harlaem River, then proceed to the southern extremity of the city for a return cargo; the very point too, to which this produce must at last be transported, for the purpose of being distributed throughout the country, or used to make up assorted cargoes for all parts of the world.

The day is far distant when Harlaem River will be used for

such purposes. All the produce or merchandize deposited on Harlaem River or Spuyten Duyvel Creek, for at least a quarter of a century, will be what is required for the inhabitants in its neighborhood and no more.

That Harlaem River will become a repository for lumber, at least for many years to come, is equally impossible. Very little lumber of any description is brought to this city, except for its own consumption. How then can it be profitable to yard it at such a distance, from whence it must be re-shipped or carried over land, the expense of which will be equal to its transportation from Albany. That raft timber may be deposited here with safety is very true, but the distance from the business part of the city is too great, and the probability of its being ice bound for two or three months in the year, will prevent its being used extensively even for that purpose.

But by improving the river, the neighborhood may be made available for manufacturing purposes. This may be so, yet this kind of business, like every other, will find its own location.

Manufacturing establishments are most profitably carried on where water power can be obtained, and the means of subsistence procured at the cheapest rate. These facilities are not likely to be found in the vicinity of Harlaem, where the necessities of life are often at a higher price than in the more thickly settled parts of the city. It has been observed that many of the manufacturing establishments, heretofore existing in the city and its vicinity, have dwindled away and given place to others which have sprung up in the adjoining States, or in the more distant towns of our own State. Any attempt therefore to induce manufacturers to establish themselves in that neighborhood will most likely prove abortive.

That marble and other building stone may be obtained from the shores of Harlaem River and the proposed canal is freely admitted; but that the construction of this canal, for the purposes of bringing these materials to market, will in any way benefit the city, is positively denied. All the marble found in

this neighborhood is utterly useless for manufacturing purposes, and is seldom used even for rubble work, on account of the misshapen form in which it is produced from the quarries. Other building stone of good qualities may be obtained from the Westchester shore ; but it may also be obtained of equal quality, and at a less price, from inexhaustible quarries on the East and North Rivers.

It should also be observed, that the shores of Harlaem River and Spuyten Duyvel Creek, on the west side, from the 8th avenue to the North River, with the exception of two or three points, are unavailable for the purpose of building docks, or making improvements necessary for the accommodation of storehouses or manufactories. A large portion of the shore is high and rocky, rising nearly perpendicular from the water's edge, and the remainder, with few exceptions, is salt marsh, neither of which can be brought into use without great and unnecessary expense.

That the value of the upper section of Harlaem River, for the purposes of navigation, have of late been much overrated, must, in the estimation of this Committee, appear evident to every person who will take the trouble to examine the subject.

That it was not considered of much value before the erection of McComb's dam, is evident from the testimony annexed to this report, and from the fact that this Corporation freely consented to the Act of the Legislature, authorizing Robert McComb and his heirs to dam up the river forever, thereby cutting off all navigable communication between Harlaem and Hudson Rivers.

It will also appear, by referring to the proceedings of the Common Council, that a number of petitions were presented during the time this subject was under discussion, from persons living on both sides of the river, all of which were in favor of McComb's project, except that from the Harlaem Bridge Company, by Mr. Coles, who was the assignee of Lewis Morris, to whom the Legislature had granted an exclusive right to con-

struct bridges from Morrisania across Harlaem River, it being then a matter in dispute, whether Devoc's Point belonged to Morrisania or not.

This Committee have given their views, without regard to individual interests, with which they conceive they have nothing to do. It has lately been the practice of individuals, who are doubtless interested in the value of property in the neighborhood, to speak of Harlaem River as possessing advantages which this Committee believe it never did, nor ever will possess.

When the water is drawn off, which is now held in by McComb's dam, the upper part of the river, as it is now termed, will then appear what it was before the dam was erected; a narrow and crooked creek, winding its way through salt marshes, which have become mud flats, by being kept inundated with water by means of the dam.

If, however, this Company, or those who may be connected with them, shall deem it to their interest to construct this canal, no objection ought to be made to their spending their own money for their own benefit; provided the rights of individuals are secured, and the interests of the city protected.

This Committee offer the following resolution for the consideration of the Board:

Resolved, That the Corporation of the City of New York, do hereby consent that the Harlaem River Canal Company construct a canal from Harlaem River to Spuyten Duyvel Creek and Hudson River, agreeable to the following conditions and stipulations:

First—The Company shall not commence the construction of the said canal, until they shall first have obtained the permission and written consent of the representatives and assignees of Robert McComb, deceased, or of those claiming under him or them, to use the water of the Harlaem River, and the privileges, or any part thereof, granted to the said Robert McComb, by the Legislature of this State.

Second—The said canal shall be made by enlarging Nichols Canal, from Harlaem River to Spuyten Duyvel Creek; and shall be not less than seventy feet wide, and of sufficient depth to admit the passage of vessels drawing four and a half feet water at common low tide. From Nichols' Canal to the Hudson River, through the salt marsh to the mouth of Spuyten Duyvel Creek, the said Company may pursue such course as they shall deem most advantageous, keeping the same width and depth as specified above.

Third—The said Company shall build, and keep in good repair, such bridges as may be required for public use or private benefit, under the direction of the Common Council of the City of New York.

Fourth—The said Company shall not dig out or alter the channel, or form basins in Harlaem River, without first obtaining permission from the Common Council of the City of New York.

Fifth—The Corporation of the City of New York shall reserve and have the right to purchase, at any time, from the said Company, the canal, with all the rights, title and interest to them belonging, for such sums as may have been necessarily expended in its construction, or for keeping it in repair, with interest on the same, at the rate of six per cent. per annum.

Sixth—The Harlaem River Company shall, before commencing the construction of the canal, enter into a written agreement with the Corporation of the City of New York, to perform all the conditions above specified.

R. SMITH,
JOSEPH R. TAYLOR.

AFFIDAVITS, &c.

RELATIVE TO THE NAVIGATION OF HARLAEM RIVER.

STATE OF NEW YORK, }
IN ASSEMBLY, MARCH 20, 1818. }

Resolved, That the Attorney General of this State be instructed to examine into the subject of the petition of Augustus V. Cortlandt and others, and of David B. Lambert and others, (hereto annexed,) and on being satisfied of the truth of the matters complained of, he shall cause due legal measures to be taken for the attainment of justice to all parties.

(A true copy.) By order.

AARON CLARK, *Clerk*.

MARCH 30, 1818.

SIR—Mr. McComb has submitted to me a number of affidavits and other documents, on the subject of the petition presented by you to the Legislature, and by them referred to me. From the evidence submitted to me, I am satisfied that there is no just ground for interference on the part of the State.

Yours very respectfully,

M. V. BEUREN.

Mr. George W. Hall.

Compared with the original, in the hands of the Attorney General.

JAMES RENWICK. „

New York, 6th April, 1818.

City and County of New York, ss.

Stephen Berrian, aged thirty-five years, and who has resided, since he was a year old, near Kingsbridge and on the Harlaem River; and John Thompson, who is aged sixty-two years, and has resided twenty-one years and nine months in the same neighborhood, and on said Harlaem River; and Abraham Berrian, junior, who has resided twenty-two years on said river, being respectively sworn, severally depose and say, that the facts stated in the affidavit of Thomas Bunting, are, of their own knowledge, correct and true, and that they agree with him in the sentiments expressed therein.

JOHN THOMPSON,
STEPHEN BERRIAN.

Sworn, March 19, 1818, before me, }
JOHN DOUGHTY, }
Assistant Justice. }

City and County of New York, ss.

John Halstad, of the City of New York, being duly sworn, doth depose and say, that he is fifty-three years old; that he is the step-son of John Sherman, and was brought up in his family, at his house, at Sherman's Point, on Harlaem Creek. That Sherman's Point is the northern end of what is called the Fort Washington Mountains; and that the house of his said father-in-law is close on the margin of Harlaem Creek, under the very point of said mountain. That deponent resided in said house, from the time he was four years of age until about eleven years ago, at which time he moved to the City of New York, making the period of his residence at Sherman's Point about forty years. And this deponent further saith, that he

worked about twenty years for Jacobus Dyckman, and was married in his house, and is perfectly acquainted with the family of the Posts, and Hyatts, and all the other neighbors. And this deponent saith, that the channel of Harlaem neck is very crooked and winding; and that at low water the river runs bare, except in the channel, showing extensive mud flats on both sides; and that said creek is very difficult to be navigated, on account of said flats. And this deponent further saith, that during the whole of his residence on said creek, he never knew any vessel of burden to come up said creek, except during the American war, when a small privateer was chased up said creek, and likewise a sloop loaded with provisions, &c.; that both said vessels were taken by the British; that this was long before Harlaem Bridge was built. That, since the war, deponent has never known any kind of craft driven with sails to come up said creek, except a small pettiauger rigged boat, owned by one Jerry Hampton, which was flat bottomed, and used to lie on the flats, and sometimes on the salt meadows at low water. That said Jerry used to trade in earthenware and take iron hoops, rags, and such things in return. That Jerry's boat was, perhaps, seven feet wide, and about twenty-eight feet long, with masts that could ship and unship. That this is the only boat with masts and sails that deponent knows to have come up since the war, and deponent is confident that if others had come up the creek he must either have seen them or heard of them, as the house he lived in, as before stated, is on the very margin of the creek, and the creek can be seen from Jacobus Dyckman's, where he used to work. And deponent saith that none of the inhabitants on said creek ever owned or used any other boats than skiffs and fish boats; that said creek is not suitable for larger boats, and has no convenience for the same; that there are no docks or landings for such large boats, and no trade or commerce whatsoever, has ever been carried on up said creek.

And this deponent further saith that he has spent much of his time in catching fish and oysters and clams, and knows that all the shellfish which lay on the flats in said creek, perish by the

frost : and deponent is decidedly of opinion, that if the flats be covered with water for two or three winters, the whole river will become one extensive bed of oysters and clams.

And this deponent doth further say, that he understands that the lock in Mr. McComb's dam is eight feet wide and thirty-two feet long, which is large enough for any boats he ever knew owned in Harlaem Creek, or that ever were accustomed to navigate the same ; and deponent has no hesitation to say, that said dam must greatly improve the navigation and fishery of said creek, and be a great blessing to the inhabitants, and particularly to the poor.

JOHN HALSTAD.

Sworn before me, March 21, 1818, }
G. TUCKMASTER, }
Alderman.

I, Henry Thisen, do hereby certify that I am thirty-five years of age ; that I am grandson of William Nogle, whose father was one of the first patentees of New Harlaem, or Upper Harlaem, being the tract of land comprising the northern extremity of New York Island ; that I was brought up by my grandfather, William Nogle, and lived in the house with him, close on the margin of Harlaem Creek, which house is now occupied by my uncle, Dennis Post ; and that I inherited from my grandfather, a part of his estate, near said creek. And I further certify, that I have resided all my days in the neighborhood of said creek, and am acquainted with all the inhabitants ; that I never knew any of them to own a larger boat than a skiff, or fish boat ; and never knew a larger boat than that of Jerry Hampton, which is justly described in Thomas Bunting's affidavit. And I further certify, that it is my opinion that the damming of the water is a great advantage to the fishery, as

the clams and oysters have already become very abundant, although they have been covered only one winter; and I know, of my own knowledge, that Stephen Berrian and Dennis Post, a few days ago, caught, in less than one day, upwards of two thousand clams. Dated March 20, 1818.

HENRY THISON.

Witness, JOHN MARSHALL.

I, Lewis Nodine, aged thirty-six years, residing at Fort Washington, certify, that I have lived near Harlaem Creek all my life; and I further certify, that what Henry Thison has stated about the navigation of said creek, and the fishery, is true of my knowledge. Dated March 20, 1818.

LEWIS NODINE.

Witness, JOHN MARSHALL.

I, Edward Douglass, aged sixty years, do hereby certify, that I have resided seventeen years near Harlaem Creek, at Fort Washington; that I am acquainted with all the neighbors, and what Henry Thison asserts about the navigation of said creek, is, of my certain knowledge, correct and true. Dated March 20, 1818.

EDWARD DOUGLASS.

Witness, JOHN MARSHALL.

3

Westchester County, ss.

Thomas Bunting, aged sixty-eight years on 28th May next, being duly sworn, doth depose and say, that he came to reside in the neighborhood of Kingsbridge about thirty-four years ago, and has resided near the Harlaem River ever since that time. That he is intimately acquainted with the whole country lying on that river, and with every inhabitant who now resides and has resided within the period of thirty-four years on or near Harlaem River. And this deponent saith that having devoted much of his time to fishing, and the catching of oysters and elams, he has a thorough and most perfect acquaintance with the navigation of said river from Kingsbridge to Devoe's Point. That the channel of said river is exceedingly crooked and winding, so as to make it very difficult for any person, even those who have been most used to the river, to conduct even a small boat through the same, without running on the mud flats; and that in order to mark the channel, stakes have been placed at several points. That at low water, before the building of Macomb's dam, the said river run out bare, except in the channel, showing a great extent of mud flats on both sides thereof. And this deponent further saith, that said river has never, at any time that he has been acquainted therewith, in any part thereof, between Devoe's Point and Kingsbridge, been navigated by any other kind of vessels but skiffs and small boats to deponent's knowledge, the largest of which are the boats used for the shad fishing of the North River, which boats, of the largest size are about four feet wide, and from twenty to twenty-six feet long. That no boat or vessel except of the above description is now owned or has ever been owned within his knowledge by any inhabitant on either side of said river, within that part of it dammed by Mr. Macomb, and that no other kind of boat has been accustomed to navigate the same. And this deponent further saith that he is perfectly acquainted with all the people residing on said river, and most solemnly

declares that not one of them has been ever in the habit of employing any kind of rigged craft, either pettiaugers, schooners, sloops, or any kind of vessel driven with sails, since his residence near said river; that he has never heard of such craft being employed; and that such craft could not have come up said river without it being publicly known; and that during the whole period of thirty-four years, the only vessels or boats driven by sails, which he has known to come up said river, was a flat bottomed pettiauger, owned by Gilbert Valentine and John Vermilyea, and afterwards owned by said Valentine and Frederic Brown, of about five feet beam, and something like twenty-six feet keel, with moveable masts, so as to be rowed about when occasion required, being one of that kind of large sized skiffs that two men could move any where, and contrived for shallow waters, so as to run up on shore and lie bare at low water; which boat came up the river about twenty-six years ago. That with the exception of said boat, the only one using masts and sails that has come up said river, to deponent's knowledge, was a pettiauger-rigged boat, owned by a man named Jerry Hampton, who came up the creek with crockery and earthenware, which he used to trade away to the inhabitants for rags and old iron; that this was about twelve or thirteen years ago; that said boat of Hampton's was flat bottomed, made to run up shallow waters, and used to lie high and dry at low water; was of about six feet beam, and about twenty-eight feet keel, drawing, when loaded, something like two feet water, being built out of two logs and raised upon. That said Jerry Hampton was ordered out of the creek by the inhabitants, in consequence of a negro having stolen a ploughshare, which he was said to have trafficked away with Jerry. That since that time no rigged boat of any kind or description whatsoever has come up that part of Harlaem Creek now dammed by Mr. Macomb's dam, to the knowledge or belief of deponent; that deponent has never heard of any such boat coming up and if such boat had come up, this deponent and his neighbors must have known it.

And this deponent further saith, that on the whole extent of Harlaem River, from Bussing's Point to Kingsbridge, there is not a single landing place for vessels or boats of any burthen; nor a single dock, or convenience for such vessels or boats; that the shores of said river present no convenience therefor; that on the York Island side of the river the shore is abrupt and rocky, all the way up to Sherman's Point, (which comprises two-thirds of the distance,) being formed by one side of the Fort Washington Mountains, which is very steep and rocky and covered with woods; that from Sherman's Point to Kingsbridge, and along the whole extent of the Westchester side, the shore is generally shoal and muddy; that besides the inconveniences arising from these natural causes, the number of bridges erected across Harlaem River would present a great obstacle to the navigation thereof, if such navigation were ever good; there being, in the short distance of eight miles, no less than four bridges, exclusive of that erected by Mr. McComb on his dam; to wit: Ward's Bridge, Harlaem Bridge, Vermilyea's Bridge, and Kingsbridge; that for these reasons the North River only has been used by the inhabitants of Kingsbridge and the neighborhood for the purposes of navigation.

And this deponent further saith, that the deepening of the water occasioned by Mr. McComb's dam, is, in his opinion, a great improvement to the navigation, as it affords a good boat navigation at all times of tide; that said dam has greatly improved the fishery, and particularly that of clams and oysters, which formerly used to perish in large quantities on the flats at low water, by the severity of the winter. And this deponent does not doubt, after being protected one winter more, that the whole of the flats will be covered with shell fish.

And this deponent further saith, that since Mr. McComb's dam was finished, Kingsbridge has become a place of considerable business; that companies have been formed who have purchased the lands and opened the quarries of marble in the neighborhood; that mills are established for the sawing, cutting, and polishing of marble; that these establishments have

increased the price of lands, and furnish the means of subsistence to a large number of laboring people. That deponent understands that other establishments will shortly be made on Mr. McComb's water, which will give life and activity to the county, and be the means of improving the whole neighborhood.

THOMAS BUNTING.

Sworn, March 17, 1818, before me, }
 GILBERT WILLETT, }
Justice of the Peace.

City and County of New York, ss.

Abraham Berrian, aged sixty-seven years, being duly sworn, doth depose and say, that he is the proprietor of the point of land and farm called Berrian's Point, on the Spuyten Duyvel or Harlaem River, near Kingsbridge; that he has lived there 22 years, the 18th April next; that he is perfectly acquainted with Thomas Bunting, the above deponent, who is an old inhabitant of Kingsbridge. And this deponent saith, that he is perfectly acquainted with the Harlaem River, and with all the inhabitants that reside near the same; that the character and nature of said river, and of the navigation thereof, and of the kind of boats used on the same, is very accurately and truly described by said Bunting in the above affidavit. That deponent knows, of his own knowledge, that no other kind of boats than small skiffs and fish boats for the shad fishery, have ever been owned or used on said river, dammed up by Col. McComb, and that he never heard of any inhabitant employing any kind of craft, or vessel with masts and sails whatsoever; that during the whole of twenty-two years residence near Kingsbridge, no boat using masts and sails has come up said river to deponent's knowledge, except the boat of Jerry Hampton, described in the

affidavit of Thomas Bunting, and the pleasure boats of Colonel McComb. And this deponent further saith, that he has heard with surprise and indignation, that certain persons have asserted and solemnly declared, that vessels of sixty tons were accustomed to navigate said river; an assertion without the shadow of a foundation, as is known to every inhabitant of said river; that deponent never heard of such assertions until after the stopping of the stone saw mill built on the water of Colonel McComb, by Mr. George W. Hall, and Messrs. Bolton, by the Chancellor, because, as deponent understands, they refused to pay for the water required to work said mill. And this deponent further saith, that he considers the dam of Col. McComb, a great advantage to the whole neighborhood, not only as furnishing an excellent bridge to the inhabitants, but as improving the navigation and fishery of Harlaem River, and above all, as the means of rendering Kingsbridge a place of importance for manufacturing purposes; that Kingsbridge has already become a place of business, and that the lands near to it have come into great demand, and almost the whole thereof, from the farm of Jacob Hyatt to that of Jacobus Dyckman, purchased up at a very advanced price. That said Jacob Hyatt, as deponent is credibly informed, has been offered the sum of one thousand dollars per acre, for the whole of his land, since the building of Mr. McComb's dam, when the same would not have brought more than fifty pounds per acre before that period.

And this deponent further saith, that the lock in Mr. McComb's dam is eight feet wide and thirty-two feet long, in the clear, which is more than sufficiently large for any boat owned on that part of the river dammed up, or for any boats heretofore accustomed to navigate the same.

ABRAHAM BERRIAN.

Sworn before me, March 19, 1818, }

JOHN DOUGHTY, }

Assistant Justice.

City and County of New York, ss.

Garret Garretson, aged fifty-six years the 4th of June next, being duly sworn, doth depose and say, that he has resided 35 years in the neighborhood of Harlaem River; that he knows the facts stated in the affidavit of Thomas Bunting, hercunto annexed to be true; and that during the whole period aforesaid that he has resided near Harlaem River, he has known no other boats using masts and sails to come up said creek, except those described by said Thomas Bunting, which he perfectly remembers, and a small vessel, sloop rigged, which came up and lay off Berrian's land, about 30 years ago, before Harlaem Bridge was built, for the purpose of getting stone; that said vessel lay off in the channel and could not get near the shore on account of the flats.

And this deponent further saith, that he has the same opinion of the value and importance of Mr. McComb's dam, as is expressed in the preceding affidavits.

GARRET GARRETSON.

Sworn before me, March 19, 1818, }
JOHN DOUGHTY, }
Assistant Justice. }

City and County of New York, ss.

Elizabeth Wears, being duly sworn, doth depose and say, that she has resided at Fort Washington, in the City and County of New York, and near the Harlaem Creek, since the year 1772; that she is perfectly acquainted with all the inhabitants in that neighborhood and about Kingsbridge; that she never knew of any large boats, pettiaugers, sloops or otherwise, coming up Harlaem Creek, except the earthen boat as she was

called, of Jerry Hampton, which was a small flat bottomed boat, a little larger than the fish boats ; that this was the largest boat she ever knew to come up or ever heard that did come up. That she bought of Jerry, earthen milk pans and such like things, for which she paid him in old iron and rags. That she never heard of any of the inhabitants making use of any large boats or vessels on that river ; and that if any such had been used she must have known it.

And this deponent further saith, that the farm she owns and now lives on, runs down to Harlaem Creek ; that her son, David, is constantly fishing in said creek ; that the fishery is greatly improved since the building of the dam, and particularly the fishery of clams and oysters, owing to their being protected from the winter by deepening the water ; that her said son, David, caught upwards of one thousand clams after horn blowing for dinner, and was home at sunset.

her
ELIZABETH X WEARS.
Mark.

Sworn, March 19, 1818, before me, }
JOHN DOUGHTY,
Assistant Justice. }

I, John Fisher, certify that I live in the house on Colonel McComb's dam, and that I have the charge of the same; that the lock in said dam is eight feet wide in the clear, and thirty-two feet long in the clear; that he is well acquainted with all the boats owned on the river between the dam and Kings-bridge; that there is not one which cannot at any time pass through the lock, and that no boat has ever come to the dam to pass through, that has not been able to go through, and that he has not put through, except a large launch sent up to the

dam by George W. Hall, of Kingsbridge; that said launch was one of those boats made to float in the ocean and not at all intended for river navigation. And this deponent further saith, that said Hall well knew that said launch could not pass through the dam, as he had previously measured the lock of the dam, and deponent verily believes that said launch was sent to the dam, through malice and mischief, as deponent knew that Mr. Hall had some falling out with Mr. McComb, in consequence of his contesting Mr. McComb's right to the water dammed up by the dam. Dated, March 19, 1818.

JOHN FISHER.

I, Frederick Devoe, of Devoe's Point, in Westchester County, do hereby certify, that the farm at Devoe's Point, has belonged to the family, since the first settlement of the country; that I am now upwards of fifty years of age, and perfectly acquainted with all the inhabitants living between McComb's dam and Kingsbridge, and am thoroughly, with the navigation of Harlaem River. That there is no boat owned by any inhabitant of that part of the country, larger than a skiff or fish boat; nor do I remember that a larger boat has ever been owned on said river, between this place and Kingsbridge, except the market boat owned by Gilbert Valentine, and Brown, and somebody else, about twenty-six or thirty years ago, which was a flat bottomed boat, made for shallow water; that no commerce or traffic has within my knowledge been carried on up said river; that I remember the boat called earthen boat, owned by Jerry Hampton, which went up the river about twelve or thirteen years ago; that she was a flat bottomed boat made for shallow water; that since that time I do not remember any boat so large to come up the river, and that if such boats had come up, I must have seen them, or heard of

them, as Devoe's Point has an extensive prospect up and down the Harlaem River ; and I further certify that there is no docks or conveniences on said river for large boats to land at, and that there never has been any.

And I further state that the dam built by Mr. McComb, is a great convenience to the inhabitants of Westchester County, as a bridge ; that the damming of the water will improve the navigation, by affording deep water for boats, at all times of tide ; and that it certainly improves the fishery, and especially for clams and oysters ; and that the dam has become a place much frequented by gentlemen in the summer season, for the purpose of catching fish. Dated March 19, 1818.

FREDERICK DEVOE.

*To the Honorable the Mayor, Aldermen and Commonalty of
the City of New York :*

The petition of Robert Morris, jun. respectfully sheweth :

That your memorialist now is, and his family have been, for the last half century, proprietors of land lying contiguous to Devoc's Point, in the manor of Fordham, and County of Westchester ; that the lands of your memorialist, although formerly of great intrinsic value, on account of their proximity to this city, are now in a manner inaccessible, by reason of the want of a bridge at Devoc's Point.

Your memorialist's father originally purchased, and no doubt in the consideration paid for, the natural rights and inherent privileges then attached to said property, (to wit,) a navigable conveyance to and from this city, and by the way of Kingsbridge into the North River, both of which your memorialist has frequently passed, by the order and in the service of his father, all which invaluable privileges the Honorable the Legislature, without any kind of remuneration, have seen proper to deprive us of.

Your memorialist begs leave to state, that he finds by the late map of this island, that his said property is about nine miles from this city, and as his only conveyance is now by land, he can only go by the way of Kingsbridge, seventeen miles, or by the way of Harlaem Bridge, after paying a heavy toll ; he is to pass by sufferance through private property, many gates and bad roads, making a distance of fourteen miles from this city ; from all which obstructing causes, your memorialist's property, of upwards of two hundred acres, now rents for the pitiful consideration of two hundred and fifty dollars per annum ; a sorry combination of facts, which your memorialist considers as unprecedented in this, or any state in the Union. Your memorialist is well aware of the nice reasoning and scrupulous regard paid to the interests and supposed rights of Mr. Coles and his associates ; yet that the powers of sympathy should not

be excited for the old revolutionist, who, after a war of seven years, returns to his native city, destitute of every kind of property, *save this very spot*; and that *that*, in consequence of having taken a part with his country, holding an office under the Crown, which would have insured his fortune. The enemy, exasperated, destroyed every thing upon it, *as per Governor Tryon's order for that purpose, now before me*; and that a branch of this very Government, which he became poor to establish, should, to promote the interest of others, virtually take the residue, appears to your memorialist cruel, if not unjust.

That your memorialist has been flattered a long time, with expectations from year to year, that the Harlaem Bridge Company seriously contemplated erecting a bridge at Devoe's Point; but some one difficulty or other has, and I have reason to believe ever will, present itself, during the continuance of the old charter of Harlaem Bridge; and your memorialist despairs of any such serious intentions, their interest being sufficiently promoted, 'as long as others can be prevented, and the Bridge Company not compelled, by fears for their future interest, to erect the said bridge.

Your memorialist is credibly informed, that a law was passed on the 8th of April last, authorizing Mr. Robert McComb, of this city, to build a dam from Bussing's Point to Devoe's Point; which dam, as your memorialist is further informed, the said Robert McComb is willing to so build, as to compose a good and sufficient bridge; at which bridge he proposes to demand only one half of the now toll of Harlaem Bridge, and to give one equal moiety of the nett profits of that half, to some charitable institution of this city. Your memorialist represents to your Honorable Body, that the terms offered by Mr. McComb, to the people of Westchester County, for passing his intended bridge, will be a great public convenience.

And your memorialist is not willing to believe, but that your Honorable Body will view this important subject as embracing an extensive public advantage, not only to the State, as short-

ening and bettering the great highway between the two principal cities of this State ; a large portion of the inhabitants of Westchester County will find a more easy and direct conveyance to, and from, market ; and the interest of this growing city will be promoted, by increasing the avenues, and diminishing the distance and expense of transportation ; which may be peculiarly important, in the season when the navigation of our bays and harbors may be obstructed by ice, &c.

And your memorialist humbly prays, that your Honorable Body will be pleased to permit Mr. Robert McComb to go on forthwith, and build his intended dam and bridge.

And your memorialist, as in duty bound, will ever pray, &c.

ROBERT MORRIS, Junior.

New York, August 9th, 1813.

Morrisania, 21st August, 1813.

SIR—Col. Macomb asks my signature to a petition respecting a dam and bridge from Bussing's Point to Devoe's Point. It would be going out of my way to petition for a bridge which I should seldom, perhaps never, use. But it is proper to repeat, now, what I have often said, on this subject, that the bridge proposed appears to me an object of public utility. As such it will, I presume, meet the patronage of intelligent men in the Board over which you preside.

It is, I am told, opposed by the Harlaem Bridge Company. With the affairs of these Gentlemen I pretend not to meddle, having been taught by experience that endeavors to serve them may be misunderstood or misrepresented. It would be impertinent in me, Sir, to tell you that no act of the Corporation can impair their legal claims. If they have no such claims, it may be difficult to substantiate others in a way to affect the Corporation of New York. That respectable body can hardly be held by principles, either of right or of delicacy, to pay debts of honor contracted by the Legislature. Indeed, it is our duty to believe that the Legislature has the will as well as the power to pay their own debts.

With perfect respect,

I have the honor to be, Sir,

Your obedient Servant,

GOUVR. MORRIS.

*The Worshipful Dewitt Clinton,
Mayor of New York.*

DOCUMENT NO. 37.

BOARD OF ALDERMEN,

FEBRUARY 25, 1839.

Report of the Committee on Laws, &c. on the resolution relating to opening streets. Laid on the table and ordered to be printed for the use of the members.

THOMAS BOLTON, Clerk.

Resolved, That in all cases of future applications for making public places or squares for opening, regulating, widening, extending or closing streets or avenues or constructing sewers, it shall be necessary for the applicants to deposit with the Comptroller a bond, with sureties, in a penalty to an amount as shall be deemed by him necessary to indemnify the Corporation from all expense which may be incurred by the Corporation, in case the improvement, whatever it may be, shall for any reason be defeated or abandoned, either by order of the Corporation under the report of Commissioners or the judgment of Courts.

By ALDERMAN LAWRENCE.

The Committee on Laws, &c. to whom was referred the annexed resolution in relation to opening streets,

REPORT:

That recent experience has shewn that applications for improvements, such as those mentioned in the annexed resolution, ought to be well matured and considered by applicants before they are presented to the Common Council, and that the Common Council have sometimes been induced by the importunity of applicants to consent to improvements which, upon investigation, have proved to be burthensome to the owners of property who are assessed for the expenses. The Committee are of opinion that to prevent experiments of that nature, it would be well to provide that the applicants should run the risk of the expenses incurred in cases where, after a full investigation and hearing of all the parties affected, it shall be determined that the measure applied for should be abandoned. The resolution referred to proposes a deposite of money equal to the amount of probable expenses; but the Committee are of opinion that the object would be attained, if a bond *only*, for a proper amount, should be deposited with the Comptroller; they therefore recommend the passage of the resolution, as amended, in the following words:

Resolved, That in all cases of future applications for making public places or squares, or for opening, regulating, widening, extending, or closing streets or avenues, or constructing sewers, it shall be necessary, before any action shall take place thereon by the Common Council, for the applicants to deposite with the Comptroller a sufficient bond in an amount such as shall be deemed by him necessary to indemnify the Corporation from all expenses which may be incurred by them in case the improvement, whatever it may be, shall, for any reason, be defeated or abandoned, either by order of the Corporation, or the judgment of Court on the report of Commissioners.

JAMES LYNCH,
THOMAS JEREMIAH,
JOSEPH R. TAYLOR.





REPORT

OF THE

COMMITTEES ON LAWS

OF BOTH BOARDS,

WITH THE

DRAFT OF A LAW

RELATIVE TO

OPENING AND WIDENING STREETS.



PRINTED BY ORDER OF THE COMMON COUNCIL.



DOCUMENT NO. 38.

BOARD OF ALDERMEN,

MARCH 11, 1839.

The Committee on Laws, &c. to whom was referred the report from the Board of Assistants, together with the draft of a Law relative to the appointment, duties and powers of Commissioners of Estimate and Assessment, on the opening and widening of streets, presented the following report thereon, recommending certain amendments to said Law. Which was laid on the table, and directed to be printed for the use of the members

THOMAS BOLTON, Clerk.

The Committee on Laws, to whom was referred the annexed report of a Committee of the Board of Assistant Aldermen, and the papers accompanying the same, together with a resolution passed by that Board, approving of a law annexed to said report, entitled "An Act to amend an Act entitled an Act to reduce several laws relating particularly to the City of New York;" and that the said law should be transmitted to the

Legislature, at its present Session, with a memorial, under the seal of the city, praying for the passage thereof,

REPORT :

That they have had the said report, and the law thereto annexed, under consideration, and have given to it all the attention which is due to the wishes of a large and respectable portion of our citizens, who have, in various ways, signified their disapprobation of the existing laws, providing for the opening and extending streets, and making other public improvements. In examining this subject, the Committee feel every disposition to recommend such alterations of the laws as will tend to remedy evils which, in a course of many years action under the existing laws, have been found to exist ; but they are equally unwilling to alter, or radically change laws, under which the city has improved, the convenience of the citizens has been much promoted, and the value of property enhanced, at a rate beyond what has ever been anticipated by the most sanguine. With these views the Committee propose to consider, separately, the several sections contained in the annexed law, and to suggest such amendments thereto as, in their opinion, it would be wise to adopt. The first part of the first section provides, that the application for the appointment of Commissioners of Estimate and Assessment, in cases referred to in the Act, shall hereafter be made to the Superior Court of the City of New York, instead of the Supreme Court. The reasons offered for this provision, in the report of the Committee of the Board of Assistants, seems, at the first view, to be plausible, and would indicate that the interests of the citizens would be promoted by the change ; but when it is recollected that there has been a constant practice, under the existing laws, for upwards of thirty years, and that very few of the evils or inconveniences complained of, grow out of the action of the Supreme Court in the matter ; that the Judges of that Court are so situated as to be in a high degree removed from the effect

of bias, or partiality, or interest, the policy of a change is considered by the Committee as extremely doubtful. The only inconvenience which the Committee consider as worthy of much attention, is the circumstance that applications for the confirmation of the report of the Commissioners are frequently made at Albany, and even at Utica. This the Committee propose to obviate, by a provision that all applications for confirmation of reports be made to the Judges of the Supreme Court, or one of them, at the City Hall, in the City of New York, at the May Term, or at a Special Term, to be held by them, or one of them, there, for that purpose, at such time as the said Court may, from time to time, designate.

Inasmuch as the decision of the Superior Court upon the matter cannot be made conclusive, in case of an appeal all the inconveniences now felt would occur; and a second hearing, with considerable additional expense, would be required.

The second part of the first section provides, "that no new street shall be opened, &c. unless upon the petition of landholders interested therein to the amount of at least one-half; which petition shall be duly verified, previous to the presentation of the same to the Common Council."

It will be perceived that it would be almost impracticable to ascertain, so that it should be verified upon oath, who are the landholders interested in the preliminary stage of the proceedings; and that the proper time to ascertain the proportion of those who approve and those who disapprove the measure, would be after the Commissioners of Estimate, &c. had made their report; when it could be distinctly ascertained whose interests were affected.

In conformity with these views the Committee propose to amend the law annexed, by striking out the first section and substituting therefor the following:

§ 1. Whenever and as often as any lands, tenements, hereditaments, or premises, shall be required for any purpose specified in an Act entitled "An Act to reduce several laws, relat-

ing particularly to the City of New York, into one Act," passed April 9, 1813, the application for the confirmation of the report of the Commissioners of Estimate and Assessment shall be made to the Supreme Court, at the Term thereof held in the City of New York, or at such Special Term, to be held in the City of New York, as the Supreme Court may appoint for that purpose; and if, upon hearing such application, persons who appear by the said report to be interested, either by assessment for benefit or award for damages, to the amount of two-fifths in amount of the whole assessments and awards, shall appear and object to further proceedings upon the said report, the Court shall order the same to be discontinued, and the same shall thenceforth be discontinued.

The Committee are of opinion, that the manner of fixing upon the Commissioners to be appointed, as contained in the second section of the annexed law, is objectionable, because, as the Common Council propose three persons, and the persons interested in the property to be affected, propose three persons, and the selection would be made of three persons, by lot, out of the six, it might happen that the lot would fall on three persons named by the same party, which would be obviously wrong. The Committee therefore propose the following amendment to the second section:

1st. Strike out the word "said" in the first line, and insert after the word "Commissioners" the words "of Estimate and Assessment."

2d. Strike out all of the printed part of the section after the word "Court" in the seventeenth line, and insert "of whom they shall designate one who shall be appointed: Any person who may be interested in the property which will be affected by the intended improvement, (which interest for this purpose shall be decided by his own affidavit, stating the nature and extent of such interest,) may present to the Court the name of one or more persons, which names shall form a list, out of which, if a majority in interest of the persons so interested, shall agree upon the name of one person, that person shall be ap-

pointed; but if a majority shall not agree upon one person, then the Court shall appoint one person out of the names in such list; after which, the said Court shall appoint a third person out of the names so presented by the Common Council and by the parties interested."

Strike out all the remainder of the section, from and including the words "the names of the persons so nominated."

The Committee recommend that the third section be adopted.

It is found that the deposit of the report of the Commissioners, in the office of the Clerk of the County, affords no opportunity to parties interested to procure explanations, which are sometimes necessary: The Committee would therefore recommend that the fourth section be amended, by striking out the words "Clerk's office of the City and County of New York," and inserting the words "Street Commissioner's office."

The Committee recommend the adoption of the fifth and sixth sections without amendment. The Committee are of opinion that the seventh section would vest in the Commissioners an unlimited power, vastly liable to abuse, and which it has heretofore been deemed expedient to restrain; they would therefore recommend that the first part of the seventh section, down to, and including the words. "Provided always nevertheless, that," be stricken out.

By the eighth section of the annexed law, where the same parties have an award for loss and damage, and an assessment for benefit and advantage, it is proposed to excuse them from the payment of interest on the whole sum charged, when they ought to be excused from the payment of interest only on an amount equal to the amount awarded for loss and damage.

The Committee therefore propose to amend the eighth section, by inserting between the words "advantage" and "for," in the sixth line, the words "except on the excess of the amount he is to pay, over and above the amount he is to receive."

If the amendment to the first section is adopted, the ninth section becomes unnecessary, otherwise it would be proper.

The Committee recommend a concurrence in the tenth and eleventh sections, for the reasons stated in the report of the Committee of the Board of Assistants. The Committee feel the force of the considerations stated in the report of the Committee of the Board of Assistants, in relation to the twelfth section, on the subject of costs, and concur fully in their views : They recommend, however, in order more fully to obtain the objects proposed, the adoption of the following amendments :

Strike out all the remainder of the section after the word "unless," and insert the words "the same shall be taxed by the said Court, who are required to make rules to apply to the said bill of costs the existing laws in relation to the taxation of costs, and the nature and proof of the services rendered and disbursements charged, as far as the same can be made applicable ; and no unnecessary cost or charges shall be allowed. Public notice of the time and place of the taxation of costs shall be given, for the same time, and in the same manner, as notices are required to be given by the above tenth section ; and a copy of the bill of costs, containing items and particular services performed, shall be deposited in the office of the Street Commissioner at the time of the first publication of such notice."

The Committee recommend the adoption of the thirteenth section ; also, the fourteenth section, with the following amendment : Strike out the words "shall not affect," and insert "but no part thereof, *except the twelfth section, shall take effect.*"

JAMES LYNCH,
JOSEPH R. TAYLOR,
THOMAS JEREMIAH.

MAYOR'S OFFICE, }
NEW YORK, Feb. 4, 1839. }

Gentlemen of the Common Council:

I have received the enclosed communication from John B. Scoles, Esq. Chairman of a Committee, &c. in relation to a number of memorials of our citizens, for an amendment to the present laws of this State, relative to opening and laying out streets in this city, and have now the honor of laying the same before you for your action thereon.

AARON CLARK, *Mayor.*

ALBANY, JAN. 28, 1837.

DEAR SIR,

As Chairman of the Committee appointed by the New York Delegation to the Assembly to correspond with the Common Council, permit me to direct your attention to a subject of great interest to the people of our city. A number of memorials signed by very many of our most respectable citizens, praying for a revision and amendment of the existing laws, relative to the opening and laying out streets, &c. have been referred to us

The N. Y. Delegation are desirous of acting in this matter in conjunction with the Common Council. These memorials have been now nearly a month before the House; the same matter was before the Delegation last winter, and submitted by them to the Common Council. Nothing from the Common Council, in the shape either of approval or remonstrance, has reached the Delegation. They are desirous of having the views of both Boards, and without delay, as nearly one month of the Session has already expired. Should no information whatever be received in reply to this communication, it will become the duty of the Delegation to examine the memorials and take such a course as they may deem judicious, and calculated to give satisfaction to the great body of the people.

The printed memorials of citizens having been extensively circulated, and doubtless in possession of the Common Council, it was not deemed necessary to enclose a copy. You will be pleased to lay this communication before the Honorable the Common Council, as speedily as may be convenient.

With great respect, your obdt. servant,

J. B. SCOLES.

Hon. Aaron Clark. Mayor, &c.

REPORT OF THE COMMITTEE ON LAWS OF THE

Board of Assistant Aldermen.

The Committee on Laws of the Board of Assistant Aldermen, to whom was referred the annexed message from his Honor the Mayor, enclosing a communication from the Chairman of the Committee appointed by the New York Delegation to the Assembly, to correspond with the Common Council, together with their former report to this Board on the resolution relating to the appointment of Commissioners of Estimate and Assessment, recommending an application to the Legislature, for an amendment of the existing law on that subject, respectfully

REPORT:

That they have maturely considered the important subject referred to them, and have, as the result of such examination, become strengthened in the conclusion expressed in their former report, that "the inconveniencies and oppression resulting from the law as it now stands, call loudly for prompt and effectual legislative correction." And the Committee avail themselves of the earliest opportunity which has been afforded them, since the recent reference of the subject, to invite to its consideration, the earnest attention of the Board, and to express the hope that the action which may be had upon it, will be such as to contribute essentially to the amelioration of the evils to which they have referred, and materially lighten the burdens which the operation of the existing law imposes upon their fellow citizens.

At the time of their former report on the subject, the Committee supposed that all the modifications of the existing law, which were essential to the protection of the citizens, were

embraced in the Act, which was annexed to their report. That Act had been introduced by one of the Representatives of this City, into the last House of Assembly, and was furnished to the Committee by that gentleman; and upon examining its provisions, the Committee deemed that the public interest required its passage. After the presentation of their report, which was sometime before the meeting of the present Legislature, they were informed, that petitions, signed by a large body of citizens, had been presented, and presuming that a law, more full in its details, would be introduced into the Legislature, they forebore pressing the consideration of their report, until an opportunity should be afforded of presenting for the consideration of the Board, all the amendments which might be deemed necessary or proper. Immediately on the reference of the communication of the Chairman of the Delegation from this City, inviting their attention to the subject, they addressed through their Chairman, a communication to that gentleman, requesting to be furnished with a copy of the Act proposed to be introduced at the present Session; in reply to which they were informed, that it was intended to present the same law which had been introduced at the last Session, with certain amendments, the substance of which was communicated, and which are embodied in the Act annexed to this report. They therefore beg leave to submit to the Board, the law annexed to their former report, with such amendments, and with one or two additional provisions which have suggested themselves to the Committee as proper and necessary, the more fully to carry out, and enforce the proposed remedy of the evils growing out of the present law; and in order that the subject may be more clearly presented, they have (annexed to their present report) presented the whole law in its connected and perfect form.

It will not be expected of the Committee, that they should discuss in detail the various and multiplied evils of the present law; but in order that their views, in reference to the amendments which they propose, may be more clearly understood,

they beg the patient attention of the Board, while they briefly present, section by section, the considerations which have brought them to the conclusion at which they have arrived.

The first section provides, that "Whenever and as often as any lands, tenements, hereditaments or premises, shall be required for any purpose specified in an Act, entitled 'An Act to reduce several laws relating particularly to the City of New York into one Act,' passed April 9th, 1813, the application for the appointment of Commissioners of Estimate and Assessment shall hereafter be made to the Superior Court of the City of New York; and the report of the said Commissioners, and all applications relative to the same, shall hereafter be made to the said Court, and not to the Supreme Court of Judicature of the State, as is now provided in the Act aforesaid. And no new street, avenue, square, or place, or part or section of the same, shall be opened, nor any street, avenue, square, or place, or part or section of the same extended, enlarged, or altered in any way, unless upon the petition of landholders interested therein to the amount of at least one half; which petition shall be duly verified, previous to the presentation of the same to the Common Council."

By the first branch of this section, the Superior Court of the City of New York is substituted in place of the Supreme Court. This, the Committee consider a material and just provision, for the reason that it saves the expense and embarrassment, imposed upon our citizens, of appearing by Counsel at a Special term at Albany, while the matter, being of a local nature, is of such a character as to be more conveniently heard and decided in the City. The Superior Court, also, being a local Court, may with propriety be presumed capable of judging with better information, as to the expediency of a proposed improvement, and will be less likely to yield their own judgment to the action of the Common Council, or of individuals, on the subject.

The second branch of the section, however, is still more important. As the law now stands, the Corporation may

originate the opening and widening of streets, of their own motion, and even should it appear that a majority of the parties interested are opposed to it, they may order it to be done. No one need petition for it, and although it be ever so strongly remonstrated against, the decision of the Common Council is conclusive. This is a principle which could never have fallen within the observation of those who projected the existing law, and one which, in the opinion of the Committee, cannot be too speedily abrogated.

The second section provides that "The said Commissioners shall be appointed as follows: The Mayor, Aldermen and Commonalty of the said City shall give notice by advertisement to be published in at least two of the public papers printed in the said city, of their intention to make application to the said Court, for the appointment of such Commissioners, which notice shall specify the time and place of such application, and the nature and extent of the intended improvement: and shall be so published for and during the space of twenty days previous to the said appointment, and they shall, in addition to the said advertisement, cause copies of the same in handbills, to be posted up for the same space of time in three conspicuous places adjacent to the property to be affected by the intended improvement. At the time thus specified, the said Mayor, Aldermen and Commonalty shall nominate three discreet and disinterested persons to said Court, and the parties who may be interested in the property which will be affected by the intended improvement, who may appear and make application to the Court, or a majority of the said parties who may so appear, may also nominate to said Court three discreet and disinterested persons, all of which persons so nominated shall be subject to the right of challenge on the ground of interest, incapacity, or disqualification, to be exercised by the said Mayor, Aldermen and Commonalty, or by any person having an interest in the said matter, and if any of them be rejected from good cause, or refuse to serve, then another shall be nominated in his stead by the same party.

The names of the persons so nominated and received by the said Court shall be written on separate slips of paper, and put into the Jury box of the said Court, from which the names of three persons shall be drawn by the said Court, which three persons shall be appointed by the said Court, Commissioners of Estimate and Assessment, to perform all the duties set forth and described in the Act aforesaid."

This section is proposed as a substitute for the second section of the Act recommended by the Committee in their former report; and differs from it only as to the mode of appointing the Commissioners. By that section it was proposed that the Corporation should "nominate three discreet and disinterested persons to said Court; and the parties who might be interested in the property which would be effected by the intended improvement, who might appear and make application to the Court, or a majority of the said parties who might so appear, should have the privilege, at the same time and place, also to nominate to the said Court three discreet and disinterested persons; and from the persons so nominated, the said Court should select three persons to be appointed by the said Court, Commissioners of Estimate and Assessment, to perform all the duties set forth and described in the Act aforesaid."

As the law now stands, the Commissioners are appointed by the Supreme Court, without any restriction as to the mode of their selection. In practice, however, they are selected by the Counsel of the Corporation, in rotation from a list of fifty-one persons, three from each Ward, named by the Alderman and Assistant of the Ward, and are appointed by the Court as a matter of course, unless objections be made to some of them, in which case the Court selects one or more, as the case may be. However willing the Committee may be to admit that no unfairness can attach to this mode of selection, they are clearly of opinion, that more direct regard should be had to the feelings and views of those interested in the proposed improvement. Until the decision of the recent case of *Livingstons-*

ton vs. *The Mayor, &c. of New York*, by the Court of Errors, (8 Wendell, 85,) it was not altogether a settled question, that the powers conferred upon the Corporation of New York, to take land for public purposes, by the appointment of Commissioners, instead of the verdict of a jury, was constitutional ; and although that question was distinctly put at rest by the case referred to, yet it cannot be denied that the selection of those Commissioners should approximate as closely as possible to the mode adopted and recognized by law in the drawing of Juries in ordinary cases. The section proposed by the Committee, secures the attainment of this object, by preserving a strict analogy to the selection of Special Juries, and by imposing such restraint, as cannot fail to quiet apprehension, however groundless, and at the same time secure the selection of an impartial as well as competent tribunal. By the operation of the existing law, the parties interested have no voice in the nomination or appointment of the Commissioners, and no opportunity of objecting to their appointment, by shewing their incompetency or unfitness to discharge the delicate and highly summary and responsible duties with which they are charged. This just cause of complaint, the proposed section is designed to remedy.

The third section provides, that " It shall be the duty of the said Commissioners, in all cases, to report fully to the said Court the amount of loss and damage and of benefit and advantage to each and every owner, lessee, party and person, entitled unto or interested in any lands, tenements, hereditaments or premises, so required for the purpose of any such operation or improvement."

By the existing law, the Commissioners are not required to report both the amount of loss and damage, and the amount of benefit, in cases where they both occur ; but are expressly confined to report the *excess only*, where any such exists, and in other cases, the *equality only*, of such benefit and damage. Nothing, it appears to the Committee, can be more just than to require of them to set forth in their report, the amount

of benefit and damage separately in all cases, so that upon the face of their report, sufficient *data* may appear to detect and correct any erroneous conclusion at which they may have arrived.

The fourth section provides, that "An abstract of the estimate and assessment of the said Commissioners, containing the names of the owners of the lots assessed, the numbers of such lots as they appear on the map of the Commissioners, together with such map, and the amount of the assessments, whether for damage or benefit, shall be deposited in the Clerk's office of the City and County of New York, for the inspection of whomsoever it may concern, for at least sixty days before the said Commissioners make their report to the said Court. They shall give notice of the time and place of making their said report, by advertisement to be published in at least two of the public newspapers printed in the said City, for and during the space of at least sixty days previous to the making of said report to the said Court, and by copies of the said advertisement in handbills, to be posted up for the same space of time, in the manner hereinbefore directed. Similar notice, for at least twenty days, shall be given of any supplemental or amended report."

The existing law requires that a copy of the transcript shall be deposited in the Clerk's office, only *fourteen* days before presenting the same to the Court, and allows but ten days after the first publication of notice, for the presentation of objections to the report. These periods are manifestly too short, and in presenting to the consideration of the Board the section just cited, the Committee urge it upon their adoption, for the reason stated in a printed memorial on the subject, with which they have been furnished, that "A notice published **FOURTEEN DAYS** in two newspapers, (the selection of which is of course left to the Commissioners,) and **TEN DAYS** within which to investigate a voluminous report, and to put objections in such a form and coupled with such testimony, that they may be read and have weight before the Supreme Court—and this, in a matter in-

volving not unfrequently all that an individual is worth—is so glaringly insufficient, oppressive and unjust, that they deem another word unnecessary upon the subject.”

The fifth section provides, that “Any person or persons, whose rights may be affected by the said estimate and assessment, and who shall object to the same, or any part thereof, may, within thirty days after the first publication of the said notice, state his, her or their objections to the same in writing, to the said Commissioners; which statements shall not be received by the said Commissioners, unless verified by his, her or their affidavits or the affidavits of other persons, or both; and it shall be the duty of the said Commissioners, in all cases, to transmit to the said Court, together with their said report, all the written statements and affidavits which may have been served upon them within the time aforesaid.”

This section is intended to carry out the spirit of that immediately preceding; and moreover to require the Commissioners to return to the Court all the facts and the evidence upon which they shall have passed, to the end that the Court may be enabled to act understandingly upon the subject.

The sixth section provides, that “upon the application of any person or persons whose rights may be affected by the said estimate or assessment, verified by the oath of such applicant or his agent; that any witness residing or being in the City and County of New York, whose affidavit to verify any objection to the said estimate or assessment is material or necessary to such party, refuses voluntarily to appear before any officer authorized to take such affidavits, to testify to such matters as he may know touching such objection, any one of the Justices of the Superior Court of the City of New York, may issue a subpœna under his hand, requiring such witness to appear and testify to such matters as he may know, touching the said estimate or assessment, at such time and place as the said Justice may designate in such subpœna. And every person, who being served with such subpœna, shall without reasonable cause, refuse or neglect to appear, or appearing shall

refuse to answer under oath, touching the matters aforesaid, shall forfeit to the party injured, one hundred dollars; and may also be committed to prison by the Judge who issued such subpoena, there to remain without bail, and without the liberties of the jail, until he shall submit to answer upon oath as aforesaid. The testimony of such witness when given, shall be reduced to writing in the presence of, and be sworn to, before such Judge."

This provision is entirely new, and is founded upon the provisions of the Revised Statutes, compelling witnesses to deeds to appear before the proper officer, and prove their execution. The Committee have been informed that cases have existed where important testimony, as to the incorrectness of assessments, has been lost, in consequence of the unwillingness of persons to volunteer affidavits respecting them. They can see no reason why such important rights should not be protected by the compulsory process of subpoena.

The seventh section provides, that "the said Commissioners shall have power, and it shall be their duty in all cases, where they consider the improvement to be necessary or desirable for the public convenience or health, to assess upon the Mayor, Aldermen and Commonalty of the said City, such portion of the estimated value of the land and buildings taken for such improvement, as the said Commissioners shall deem just and equitable: Provided always, nevertheless, that the said Mayor, Aldermen and Commonalty shall be authorized, at any time previous to the confirmation of the report, by the said Court, to discontinue all further proceedings relative to said improvement, without the necessity of an application to said Court for leave so to do."

In submitting this section, the Committee feel impelled to the conclusion that the present law which restricts the assessment upon the City, to one-third of the estimated value of the buildings taken, is unwise and inexpedient. Cases may, and not unfrequently do occur, where, by reason of the public benefit to be derived from the improvement, a large amount can, with safety and propriety, be cast upon the city; and no good reason exists why each case should not be left, in this respect, to

stand on its own merits. No injustice can result from its adoption, inasmuch as, by its terms, permission is given to the Common Council, should they regard the assessment as an amount exceeding what they deem reasonable, to abandon the proceedings without the necessity of an application to the Court.

The eighth section provides, that "Whenever an estimate and assessment for loss and damage, and for benefit and advantage, shall be made by the said Commissioners relative to the same person or persons, no interest shall be demanded from such person or persons upon the amount assessed for benefit and advantage, for or in consequence of any intervening time, between the period fixed for the receipt of the amount of benefit and advantage, and the payment of the amount of loss and damage."

This provision is intended to obviate an unjust omission in the existing law, which in the language of the memorial before referred to, "contains no provision that in cases where an estimate for loss and damage, and an assessment for benefit and advantage, shall be made by the Commissioners relative to the same person or persons, no interest shall be demanded upon the amount assessed, for any intervening time between the period fixed for the receipt of the one, and the payment of the other; and therefore, such interest has been demanded, and persons have been obliged to pay it, though the said exaction is so manifestly oppressive and unjust."

The ninth section provides that "Any appeal from the judgment or order of the said Court shall be made in thirty days from the entering up of the said judgment, or making of said order; and in all cases of affirmance or reversal, the costs to be allowed upon the same, shall be in the discretion of the Court to which the said appeal is made."

This provision involves no other principle than those which appear upon its face, in respect to the time for appeal and the question of costs on affirmance or reversal. It seems to be reasonable to make them the subject of regulation, and that prescribed in the section appears to be just and proper

The tenth section provides, that "All motions (except as hereinbefore provided) made under and by virtue of the Act hereby amended, before the said Court, or any Court to which an appeal may have been made, shall be, upon giving previous notice of the time, place and object of such motion, to be published for at least fourteen days, in two of the public newspapers, and by copies of said notice in handbills, to be posted up for the space of time, in the manner hereinbefore directed."

The law, as it now stands, contains no provision that notice shall be given of the time, place or object of any motion, except that to confirm the report. The Committee have been informed that motions other than that, have been made without notice, and orders made upon such motions materially affecting the interests of parties. They, therefore, think the passage of this section proper and expedient.

The eleventh section provides, that "The one hundred and seventy-ninth and one hundred and eightieth sections of the act hereby amended, are repealed."

The sections thus proposed to be repealed, authorized the Commissioners to include in their assessment, the *whole* of a lot, in certain cases, where a *part* only was required for the use of a street, by means whereof the fee became vested in the Corporation, and they had also a right to sell the same. These provisions have been declared by the Supreme Court, in a recent case, (*matter of Albany street*, 11 Wendell, 149,) to be unconstitutional, and should therefore be repealed.

The twelfth section provides, that "No costs or charges to the said Commissioners, their attorney, counsel, or others, shall be paid or allowed for any services performed under this Act, or the Act hereby amended, unless the said Court, in taking or certifying the same, shall be governed by the laws now in force, relative to the allowance of costs in other cases, as far as such laws can be made applicable, and no unnecessary costs or charges shall be allowed."

The Committee conceive this an important and necessary provision. The vast expenses of proceedings of the character

under consideration, have become proverbial, and some means should be adopted to reduce them within a more reasonable compass. The Commissioners are now, by the operation of the existing law, the sole judges of the necessity and compensation of their services, as well as of the reasonableness and necessity of the expenses they incur. This is a power which ought to be vested in some impartial taxing officer, who should be governed by the principles applicable to the taxation of costs in other cases.

The amount of these charges, if there were no other consideration in its favor, require the adoption of this provision. By a report from the Street Commissioner, presented to this Board on the 7th of March, 1838, (Documents, Board of Assistants, vol. 11, p. 571,) it appears that the following costs and fees were paid in the years 1834, 1835, 1836 and 1837, on proceedings for opening and widening streets alone.

Counsel	.	.	.	.	.	.	\$46,032 53
Commissioners	.	.	.	.	.	.	40,188 72
Surveyors	.	.	.	.	.	.	18,265 13
Appraisers	.	.	.	.	.	.	1,269 50
Room hire	.	.	.	.	.	.	4,362 98
Collectors	.	.	.	.	.	.	11,321 12
Making in all							<u>\$121,439 98</u>

The thirteenth section provides, that "So much of the Act aforesaid as is inconsistent with the provisions of this Act, is hereby repealed."

The fourteenth section provides, that "This Act shall take effect on its passage; but shall not affect, in any respect, any proceedings under the Act hereby amended, which may have been commenced previous to the passage of this Act."

The Committee have thus gone through the various provisions of the proposed Act amending the existing law, with a minuteness and particularity which nothing but the great im-

portance of the subject committed to them could have justified them in imposing upon the Board. They feel assured that in the several principles of the amendments thus submitted, all will concur ; and they indulge the earnest hope that the speedy co-operation of the Common Council, with the well directed and zealous efforts of a large and highly respectable portion of their fellow citizens, will awaken the attention of the Legislature to a prompt and effectual eradication of the evils of a system which has now become too oppressive for further endurance.

The Committee therefore recommend the adoption of the following resolution :

Resolved, That the annexed law meets with the approbation of the Common Council ; and that the same be transmitted to the Legislature, at its present Session, with a memorial, under the seal of the city, praying for the passage thereof.

Respectfully submitted.

DAVID GRAHAM, Jun.
ABEL T. ANDERSON,
M. B. HART.

AN ACT

To amend an Act entitled "An Act to reduce several laws, relating particularly to the City of New York, into one Act."

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Whenever and as often as any lands, tenements, hereditaments, or premises, shall be required for any purpose specified in an Act entitled "An Act to reduce several laws, relating particularly to the City of New York, into one Act," passed April 9th, 1813, the application for the appointment of Commissioners of Estimate and Assessment shall hereafter be made to the Superior Court of the City of New York; and the report of the said Commissioners, and all applications relative to the same, shall hereafter be made to the said Court, and not to the Supreme Court of Judicature of the State, as is now provided in the Act aforesaid. And no new street, avenue, square, or place or part or section of the same, shall be opened; nor any street, avenue, square, or place, or part or section of the same extended, enlarged, or altered, in any way, unless upon the petition of landholders interested therein, to the amount of at least one-half; which petition shall be duly verified, previous to the presentation of the same to the Common Council.

§ 2. The said Commissioners shall be appointed as follows: the Mayor, Aldermen, and Commonalty of said City shall give notice by advertisement, to be published in at least two of the public newspapers printed in the said city, of their intention to make application to the said Court for the appointment of such Commissioners; which notice shall specify the time and place of such application, and the nature and extent of the intended improvement; and shall be so published for and during the space of twenty days previous to the said appointment; and they shall, in addition to the said advertisement, cause copies of the same, in handbills, to be posted up for the same space of time, in three conspicuous places, adjacent to the property to be affected by the intended improvement. At the time thus specified, the said Mayor, Aldermen and Commonalty shall nominate three discreet and disinterested persons to said Court; and the parties who may be interested in the property which will be affected by the intended improvement, who may appear and make application to the Court, or a majority of the said parties who may so appear, may also nominate to the said Court, three discreet and disinterested persons; all of which persons so nominated shall be subject to the right of challenge on the ground of interest, incapacity, or disqualification; to be exercised by the said Mayor, Aldermen and Commonalty, or by any person having an interest in the said matter. And if any of them be rejected from good cause, or refuse to serve, then another shall be nominated in his stead, by the same party. The names of the persons so nominated and received by the said Court, shall be written on separate slips of paper, and put into the Jury box of the said Court, from which the names of three persons shall be drawn by the said Court; which three persons shall be appointed by the said Court, Commissioners of Estimate and Assessment, to perform all the duties set forth and described in the Act aforesaid.

§ 3. It shall be the duty of the said Commissioners, in all cases, to report fully to the said Court, the amount of loss and damage, and of benefit and advantage, to each and every owner,

lessee, party and person, entitled unto, or interested in any lands, tenements, hereditaments or premises, so required for the purpose of any such operation or improvement.

§ 4. An abstract of the estimate and assessment of the said Commissioners, containing the names of the owners of the lots assessed, the numbers of such lots as they appear on the map of the Commissioners, together with such map ; and the amount of the assessments, whether for damage or benefit, shall be deposited in the Clerk's office of the City and County of New York, for the inspection of whomsoever it may concern, for at least sixty days before the said Commissioners make their report to the said Court. They shall give notice of the time and place of making their said report, by advertisement, to be published in at least two of the public newspapers printed in the said city, for and during the space of at least sixty days, previous to the making of said report to the said Court ; and by copies of the said advertisement, in handbills, to be posted up for the same space of time, in the manner herein before directed. Similar notice, for at least twenty days, shall be given of any supplemental or amended report.

§ 5. Any person or persons, whose rights may be affected by the said estimate and assessment, and who shall object to the same, or any part thereof, may, within thirty days after the first publication of the said notice, state his, her or their objections to the same, in writing, to the said Commissioners ; which statements shall not be received by the Commissioners, unless verified by his, her or their affidavits, or the affidavits of other persons, or both ; and it shall be the duty of the said Commissioners, in all cases, to transmit to the said Court, together with their said report, all the written statements and affidavits which may have been served upon them within the time aforesaid.

§ 6. Upon the application of any person or persons, whose rights may be affected by the said estimate or assessment, verified by the oath of such applicant or his agent, that any witness, residing or being in the City and County of New York, whose affidavit to verify any objection to the said estimate or

assessment is material or necessary to such party, refuses voluntarily to appear before any officer authorized to take such affidavit, to testify to such matters as he may know, touching such objection, any one of the Justices of the Superior Court of the City of New York may issue a subpœna, under his hand, requiring such witness to appear and testify to such matters as he may know, touching the said estimate or assessment, at such time and place as the said Justice may designate in such subpœna. And every person who, being served with such subpœna, shall, without reasonable cause, refuse or neglect to appear, or appearing shall refuse to answer, under oath, touching the matters aforesaid, shall forfeit, to the party injured, one hundred dollars; and may also be committed to prison by the Judge who issued such subpœna; there to remain, without bail, and without the liberties of the Jail, until he shall submit to answer, under oath as aforesaid. The testimony of such witness, when given shall be reduced to writing, in the presence of, and be sworn to, before such Judge.

§ 7. The said Commissioners shall have power, and it shall be their duty in all cases, where they consider the improvement to be necessary or desirable for the public convenience or health, to assess upon the Mayor, Aldermen and Commonalty of the said City, such portion of the estimated value of the land and buildings taken for such improvement, as the said Commissioners shall deem just and equitable: Provided always, nevertheless, that the said Mayor, Aldermen and Commonalty, shall be authorized, at any time previous to the confirmation of the report, by the said Court, to discontinue all further proceedings relative to said improvement without the necessity of an application to said Court for leave so to do.

§ 8. Whenever an estimate and assessment for loss and damage, and for benefit and advantage, shall be made by the said Commissioners relative to the same person or persons, no interest shall be demanded from such person or persons upon the amount assessed for benefit and advantage, for or in consequence of any intervening time, between the period fixed for

the receipt of the amount of benefit and advantage, and the payment of the amount of loss and damage.

§ 9. Any appeal from the judgment or order of the said Court shall be made in twenty days from the entering up of the said judgment, or making of said order ; and in all cases of affirmance or reversal, the costs to be allowed upon the same, shall be in the discretion of the Court to which the said appeal is made.

§ 10. All motions (except as hereinbefore provided) made under and by virtue of the Act hereby amended, before the said Court, or any Court to which an appeal may have been made, shall be, upon giving previous notice of the time, place and object of such motion, to be published for at least fourteen days, in two of the public newspapers, and by copies of said notice in handbills, to be posted up for the space of time, in the manner hereinbefore directed.

§ 11. The one hundred and seventy-ninth and one hundred and eightieth sections of the Act hereby amended, are repealed.

§ 12. No costs or charges to the said Commissioners, their Attorney, Counsel or others, shall be paid or allowed for any services performed under this Act, or the Act hereby amended, unless the said Court in taxing or certifying the same shall be governed by the laws now in force, relative to the allowance of costs in other cases, as far as such laws can be made applicable ; and no unnecessary costs or charges shall be allowed.

§ 13. So much of the Act aforesaid as is inconsistent with the provisions of this Act, is hereby repealed.

§ 14. This Act shall take effect on its passage, but shall not affect, in any respect, any proceedings under the Act hereby amended, which may have been commenced previous to the passage of this Act.

DOCUMENT NO. 39.

BOARD OF ALDERMEN,

MARCH 11, 1839.

The Committee on Ferries, to whom was referred the petitions for the renewal of the Leases of the Fulton and South Ferries, presented the following report thereon, which was laid on the table and directed to be printed for the use of the members.

THOMAS BOLTON, Clerk.

The Ferry Committee, to whom was referred the three several petitions hereunto annexed, to wit: The Petition of the New York and Brooklyn Steam Ferry Boat Company, for a renewal of the lease of the Fulton Ferry; the petition of Charles Christmas, and others, for the renewal of the lease of the South Ferry, and the petition of Cyrus Smith and others, for a lease of the Fulton and South Ferries united, respectfully

REPORT:

That your Committee have given much time and attention

to the consideration of this (heretofore vexed but) most important subject, and have endeavored to arrive at such conclusions in the premises as they believe will best promote the interest of the public, and accomplish the desirable object of protecting the public against the improper influence of sectional feelings and jealousies, as also to protect the rights of the City of New York in her franchise over, and power to regulate these Ferries, thereby rendering equal justice to every section of our City bordering on the East River.

In the opinion of your Committee, the proper regulations of these Ferries, has heretofore been but partially understood by the citizens of both the City of New York and Brooklyn, and consequently, productive of feelings detrimental to the best interest of both.

New York possessing, under Charter, the right of jurisdiction over the waters of the East River, and also the right to the land between high and low water mark on Brooklyn side, has the undoubted right to regulate the Ferries between the two Cities; and it should be the enlightened policy of those who represent her, to give every accommodation possible to the travelling public, consistent with a just regard to a proper income for the use of her wharves and slips; and whilst actuated by so laudable a motive, they should be careful in the renewal of these Leases (as they from time to time expire) to guard the rights and interests of other lessees and inhabitants residing adjacent to other Ferries, so that proper accommodations may be secured to every section of our City where these Ferries have been established.

As the arguments to elucidate the foregoing positions must, of necessity, make the report of your Committee very voluminous, and occupy the time of the Board unnecessarily, and as the covenants and regulations contained in the lease herewith presented for the action of the Board will, your Committee believe, be conclusive evidence to every member of the Board, that the Committee have arrived at just conclusions, and presented the subject in its proper light, they would therefore

unanimously recommend for adoption the following resolution, to wit :

Resolved, That the Board of Assistant Aldermen concurring, the Counsel of the Common Council, under the direction of the Ferry Committees of both Boards be, and is hereby instructed to prepare a lease to be executed to the parties named in the reported lease herewith presented for the Fulton and South Ferries, united, for ten years, from the 1st of May, 1839, at the yearly rent of \$12,000. Said lease to contain all the covenants and conditions as reported in the lease herewith presented by the Committee.

Respectfully submitted.

NEHEMIAH WATERBURY,
THOMAS G. TALMAGE,
J. PHILLIPS PHOENIX.



This Indenture, made the day of

in the year of our Lord one thousand eight hundred and thirty-nine, between the Mayor, Aldermen and Commonalty of the City of New York, parties of the first part; and George Wood, Charles Hoyt, David Johnson, C. P. Smith, John A. King, Charles E. Buckley, James E. Underhill, George B. Fiske, William R. Dean, Joseph A. Perry, A. G. Benson, J. B. Lasala, E. W. Dunham, Charles Kelsey, Charles Christmas, John Dimon, Joseph Ketchum, J. D. Allen, Parmenus Johnson, W. N. Degraw, Richard M. White, Frederick Marquand, parties of the second part, witnesseth: That the said parties of the first part, for and in consideration of the rents, covenants, and agreements hereafter mentioned, on the part and behalf of the said parties of the second part, their executors, administrators and assigns, well and truly to be paid, observed, performed and kept, according to the true intent and meaning of these presents, have granted, demised and to farm letten, and by these presents do grant, demise, and to farm let, unto the said parties of the second part, their executors, administrators and assigns, all those two certain ferries; the one thereof established from the foot of Fulton street, in the City of New York, across the East River, to the foot of Fulton street, in the City of Brooklyn, and commonly called and known by the name of the Fulton Ferry: and the other thereof established from the foot of Whitehall street, in the said City of New York, across the said river, to the foot of Atlantic street, in the said City of Brooklyn, and commonly called and known by the name of the South Ferry; together with all and singular the ferriage and right of ferriage, fees, perquisites, benefits, profits and advantages whatsoever to the said ferries respectively belonging, or to arise or accrue from the same; and all and singular the bulkheads, wharves, piers, and slips, now used and occupied by the said

ferries respectively. To have and to hold the said ferries respectively, with all and singular the floats, bridges, fixtures and appurtenances whatsoever, to be built, furnished, appropriated or used for the same, or thereunto in any manner belonging, or which are now appropriated or used to or by the said ferries respectively, so far as the said parties of the first part have, or shall have, at the commencement of the term hereby demised, any rights or interests in, or to the same, unto the said parties of the second part, their executors, administrators and assigns, from the first day of May, one thousand eight hundred and thirty-nine, for and during, and until the full end and term of ten years, thence next ensuing, and fully to be complete and ended; yielding and paying therefor, unto the said parties of the first part, or their successors or assigns, yearly and every year, during the said term hereby granted, the yearly rent or sum of twelve thousand dollars, lawful money of the United States of America, in equal quarter-yearly payments, to wit: on the first days of August, November, February and May, in each and every of the said years. Provided always, and these presents are upon this express condition, that if it should so happen that the said yearly rent above reserved, or any part thereof, shall be behind or unpaid, for the space of ten days, after any day of payment on which the same, or any part thereof, ought to be paid as aforesaid; or if the said parties of the second part, their executors, administrators or assigns, shall neglect to pay, fulfil, perform and keep any or either of the payments, articles, covenants, claims, agreements, matters and things herein contained, which, on their part, are to be paid, performed, fulfilled, and kept, during the said term, according to the true intent and meaning of these presents, then, and in every such case or cases, it shall and may be lawful to and for the said parties of the first part, their successors and assigns, to enter into and upon the premises hereby demised, and to have, possess and enjoy the same, as fully as though these presents had not been made, any thing herein contained to the contrary notwithstanding.

And the said parties of the second part, for themselves, their heirs, executors, administrators and assigns, do covenant, promise and agree to and with the said parties of the first part, their successors, and assigns, by these presents, in manner following, that is to say : That the said parties of the second part, their executors, administrators or assigns, shall and will, yearly and every year, during the said term hereby demised, well and truly pay unto the said parties of the first part, their successors or assigns, the said yearly rent above reserved, on the days and in the manner limited and prescribed as aforesaid, for the payment thereof, without fraud or delay. And also that they, the said parties of the second part, their executors, administrators or assigns, shall and will, for and during the term or time for which the said premises are hereby granted, at their own proper cost and expense, provide, furnish, navigate and use, upon the said ferries respectively, a sufficient number of good and substantial steam ferry boats, to be approved of by the Committees on Ferries, of the said parties of the first part, and the Mayor of the City of New York : and that the said boats shall, in all times thereafter, be continually and *exclusively* employed upon the said ferries respectively, during the term hereby granted, to carry, transport and convey carriages, horses, passengers and effects across the same, with safety, convenience and expedition ; and that the said boats shall always, during the said term, be kept in good repair, and furnished with all necessary and proper implements and machinery, and be manned with a sufficient number of able bodied and skilful men, to manage the same ; and who shall and will, at all times, be ready and willing to give their constant and ready attendance at the said ferries respectively, for the prompt and convenient transportation of passengers, horses, carriages and effects across the same. And shall and will, in all things, conduct and manage the said ferries respectively, in conformity with all Acts of the Legislature of the State of New York, and agreeably to such rules, regulations and restrictions, whether as to the time of depar-

ture of said boats from each end of said ferries respectively, the time of starting the same in the morning of each day, or of laying up the same at night, or the running thereof during the night, or otherwise, as from time to time, during the said term, shall by the said Committees on Ferries, with the Mayor, or by any ordinance or resolution of the said parties of the first part, or their successors, be made or passed in relation thereto. And shall and will continually employ one of the said boats to transport and convey passengers and effects to and from Fulton slip aforesaid and Atlantic street aforesaid, in connection with the regular train of passenger cars belonging to the Long Island Rail Road. And shall and will, under the direction of the said Ferry Committees and Mayor, build, erect, make and furnish all the necessary bulkheads, piers, floats, bridges and other fixtures, and all other improvements necessary for the well conducting of the said ferries; and well and sufficiently maintain, uphold and keep the same in good repair, at their own proper costs and charges. And shall and will purchase, receive and take, from the present lessees of said two ferries respectively, all the boats and other property which the said parties of the first part are bound and required to purchase, take and receive at the expiration of the said leases respectively; and to pay therefor in the same manner as the said parties of the first part are required to do. And shall not nor will not, during the said term, raise the rates of ~~foreign~~ ~~com~~ ~~muta~~ ~~tion~~ above the present prices, as appears by the schedule thereof, hereunto annexed. And shall not and will not receive or retain any profits, or make any dividends of such profits, beyond the rate of seven per cent. per annum upon the amount of capital required or invested in the boats and other property used for the efficient conducting of the said ferries respectively; and shall and will, whensoever such profits, over and above said dividend herein above authorized to be made, shall, by the statement hereinafter required to be made, appear to exceed the sum of fifteen thousand dollars, (which sum they are permitted to hold to meet contingencies,) \

apply the said excess to the reduction of the rates of ferriage, or pay the same into the Treasury of the City of New York, as shall be directed by the said Committees on Ferries, and the said Mayor. And shall and will, on the first day of February in each year during the said term, render to the said parties of the first part, a full, true and correct statement, in writing, attested by the President and Secretary of the proprietors of the said ferries, showing the names of all parties interested in the said ferries as proprietors or associates thereof, and their respective interests; the amount of capital actually employed and paid in; the monthly receipts and expenditures; to whom and for what purpose said expenses shall have been incurred; and all other information which they shall, by the said Committees on Ferries and the Mayor, be required to communicate, to enable the parties of the first part to form a just estimate of the manner in which said ferries shall have been conducted. And shall and will pay, or cause to be paid, to the said parties of the first part, any rent which may be in arrear and unpaid from the lessees of either of the said ferries, on the first day of May next. And shall not and will not pay, or permit or suffer to be paid or retained, directly or indirectly, to or by any proprietor or lessee, or his or their assigns, as President or Director, any salary or compensation for any services whatsoever, rendered or to be rendered by them or either of them, in conducting the said ferries or either of them. And shall not and will not assign or transfer this present lease, or any term or time therein; or the said demised premises, or any part thereof, without the consent, in writing, of the said parties of the first part first had and obtained.

And it is hereby expressly understood and agreed, that the said parties of the second part, their executors administrators and assigns, shall be bound to place any additional boats on the said ferries, or either of them, and at such time or times, during the said term hereby granted, as may be required by the said parties of the first part, or their successors. Also, that nothing contained in these presents shall prevent the esta-

blishment of any other ferry or ferries across the said East River, previous to the expiration of the said term hereby granted by the said parties of the first part or their successors. And also, that at the expiration of the said term hereby demised, the said parties of the second part, their executors, administrators or assigns, shall and will, (in case the said ferries be not re-demised, or this lease renewed or extended, to the said parties of the second part, their executors, administrators or assigns,) peaceably and quietly leave, surrender and yield up the said ferries, and every thing hereby demised, in good order and condition, into the hand and possession of the said parties of the first part, their successors or assigns, together with all or any surplus that may be on hand, over and above the amount of capital actually employed. And that, at the expiration of the said term, the parties of the first part, or their successors, shall purchase and take from the said parties of the second part, their executors, administrators or assigns, all the steam ferry boats, to be furnished and procured for the said ferries respectively, by the said parties of the second part, as herein before mentioned, and actually in use thereon, at such price or value as may be fixed by two indifferent appraisers, to be chosen by the parties mutually, or by an umpire, to be appointed by such appraisers, to decide between them, in case of their disagreement.

RATES OF FERRIAGE CHARGED BY THE NEW YORK
AND BROOKLYN STEAM FERRY BOAT COMPANY, JUNE
30, 1838.

Every foot passenger, (during legal ferry hours) 4 cents, after 9 P. M.	6½ cents.
Every Horse, with or without saddle,	12½ cents.
Every fat Ox, Steer, or Bull, 25 cents, other neat Cattle,	18½ cents.
Every live Calf, Hog, or Sheep, 3 cents, dead do.	2 cents.
Every hundred weight of Iron, Brass, Copper and Gunpowder,	3 cents.
Every bushel of Peas, Beans, Turnips, Apples, Pears, and other marketables,	1 cent.
Every bag of Flour, Meal, or Bread, not exceeding 2 bushels,	1 cent.
Every barrel of Flour, Rye, or Meal,	3 cents.
Every barrel of Bread,	3 cents.
Every two-horse pleasure Carriage,	37½ cents.
Every one-horse " " " "	25 cents.
Every two-horse Farm Wagon, loaded, 2½ cents, empty,	25 cents.
Every one-horse " " " " 25 cents, " "	18½ cents.
Every Horse and Cart, loaded, 25 cents, empty,	18½ cents.
Every Horse and Chaise, Chair, or Gig,	25 cents.
Every double Sleigh, 37½ cents, single do.	25 cents.
Every bale of Cotton, or Wool,	6 cents.
Every hundred weight of Cotton, or Wool, not in bales,	3 cents.
Every hundred weight of Cordage, Hem, or Flax,	3 cents.
Every Trunk, 2 to 4 feet long,	2 cents.
Every barrel of Tar, Pitch, Turpentine, or Rosin,	6 cents.

RATES OF COMMUTATION.

Foot passengers, Gentlemen,	10 dollars per annum.
" " Ladies,	5 dollars per annum.
" " Boys, 15 years old,	6 dollars per annum.
" " Boys, 12 years old,	5 dollars per annum.
" " Girls, 12 years old, and under,	4 dollars per annum.
Carriages.—A two-horse Carriage,	20 dollars per annum.
" One-horse Carriage,	15 dollars per annum.
Carts.—Commutation Tickets,	10 dollars per hund.
Milk Waggon, commute at	40 dollars per annum.



DOCUMENT NO. 40.

BOARD OF ALDERMEN,

MARCH 11, 1839.

Report of the Committee on Arts and Sciences, on the petition of the Trustees of the Public School Society, for the adoption of a compulsory measure to cause vagrant children to attend School. Adopted, and ordered to be printed.

THOMAS BOLTON, Clerk.

The Committee on Arts and Sciences, to whom was referred the annexed memorial of the Trustees of the New York Public School Society, respectfully

REPORT :

That the memorialists state that there are at this time about 17,000 children under their immediate care, and receiving instruction in their schools. They further report, that in opposition to all their exertions there are a great number of children in the City of New York, who do not go to any school. To bring in these, so that they may receive instruction, and be pre-

served from ruin themselves, and danger to the public, the memorialists ask the interposition of the City Government.

The memorial asks that a resolution, passed in 1832, be re-enacted, requesting the Commissioners of the Alms House to give public notice, that no relief will be afforded to parents, or others having children under their charge, unless when they make application for charity they shall produce a certificate from some Teacher, that said children shall have attended some school, for at least three months during the preceding year.

They also ask that a Farm School be established, where vagrant and vicious children may be committed and confined, and subjected to suitable discipline and instruction, until they arrive at a proper age to be bound out to trades or proper occupations.

The memorialists urge the necessity of the adoption of some such measures as they propose, from their personal knowledge of the amount of the evil complained of. Great as this evil already is, they entertain reasonable fears that it is growing more rapidly than is generally supposed. They also very appropriately urge the necessity for the diffusion of intelligence among the people in our free government.

The Committee have had several interviews with some of the memorialists, and agree very fully with them as to the immense importance of the subject, and the necessity of making every proper exertion to counteract that state of things, which inevitably leads to so much mischief.

That the intelligence of the people is the only sure foundation of a Republic, may be considered as an axiom, and we may further venture to assert that Republics are the best Governments for the diffusion of intelligence amongst the people; by a distinguished writer they have been forcibly called "The People's Universities." Upon these views our General and State Governments have always acted. We may be proud of the advances made by our own State in expediting the march of mind. In contrast with these cheering views, in all dense popu-

lations like our own City, we see a mass of ignorance and vice. In the abodes of the miserable we find the children of poverty, permitted to grow up in ignorance and crime. Parents, regardless of the value of instruction themselves, do not enforce it upon their children. There are also a great number of children in our City too refractory for such slender parental authority as is exercised over them.

Upon inquiry your Committee learn, of the foregoing classes of children, there are over 12,000 between the ages of four and fourteen years, who do not go to any school. From one, intimately acquainted with the subject (Samuel W. Seaton, Esq.) your Committee learn that many of these children are already addicted to the most degrading practices—pilfering, vagrancy, and gaming.

To restrain these, the control of the Corporation is invoked, a control dictated by reason, and sanctioned by law.

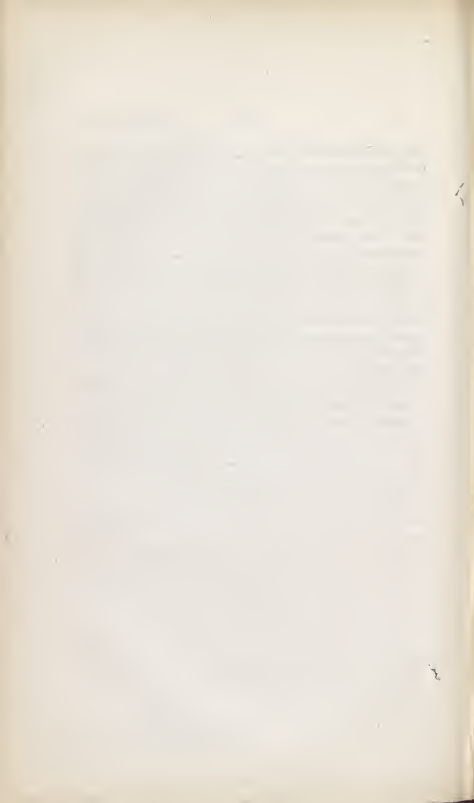
From an examination of the subject, your Committee have come to the conclusion, that no new enactments are necessary but that by giving publicity to those already in existence, the delinquents will be warned, and the proper authorities themselves stimulated to the exercise of their duties.

Your Committee would further state that the Commissioners of the Alms House have, during the past winter, as far as practicable, acted under the resolution of 1832.

The following resolution is respectfully submitted :

Resolved, That the Commissioners of the Alms House cause to be published and distributed the resolution passed by the Common Council, in 1832, as in the annexed petition. Also, section 43, § 18. of an Act, entitled "An Act relative to the powers of the Common Council of the City of New York, and the Police and Criminal Courts of said City," passed January 23, 1833, p. 607, volume of Laws of New York, relative to the City of New York.

A. V. WILLIAMS,
JAMES LYNCH,
THOMAS JEREMIAH.



DOCUMENT NO. 41.

BOARD OF ALDERMEN,

MARCH 11, 1839.

Report of the Committee on Laws, on petition of James McDivitt and others, Dealers in Second-hand Furniture; together with the draft of an Ordinance. Which was laid on the table and ordered to be printed for the use of the members.

THOMAS BOLTON, Clerk.

The Committee on Laws, to whom was referred the annexed petition of James McDivitt and others, dealers in second-hand furniture,

REPORT:

That the petitioners represent that it is a hardship upon them, to be required to take out a license to vend articles in their line of business; and that their case does not come within the spirit of the provisions of the ordinance, because their purchases are made at auction.

The ordinance referred to, being in the nature of one imposing a restriction upon trade, can only be justified upon the principle, that dealing in second-hand articles affords facilities for the sale of property which may have been unfairly obtained; and as the petitioners state that they are desirous of being placed in a situation where even a suspicion cannot be entertained upon the subject, they are willing to be exempted from taking out a license only when they confine their purchases of second-hand articles exclusively to auction sales. The Committee are of opinion, under these circumstances, that it is due to the petitioners, and the class of persons whom they represent, so to modify the law as to afford them relief; and they recommend the passage of the following resolution:

Resolved, That the ordinance, a draft of which is herewith submitted, be, and the same is hereby adopted.

JAMES LYNCH,
THOMAS JEREMIAH,
JOSEPH R. TAYLOR.

A LAW

To amend the Law entitled "A Law to regulate Pawnbrokers, Dealers in Second-hand Articles, and Keepers of Junk Shops."

The Mayor, Aldermen and Commonalty of the City of New York, in Common Council convened, do ordain as follows :

1. Nothing contained in title 2d of chapter 7th of the Ordinances, shall be so construed as to apply to dealers in second-hand furniture who make purchases thereof, *exclusively*, at auction sales; and all persons who purchase second-hand furniture at auction, shall be permitted to sell the same without taking out such license as is required by section 1st, of title 2d, of chap. 7th, of the Ordinances. And so much of the said title as is inconsistent with the provisions of this Ordinance, is hereby repealed.



DOCUMENT NO. 42.

BOARD OF ALDERMEN,

MARCH 11, 1839.

Report of the Committee on Wharves, Piers, &c. to extend Piers. No 8 to 14 inclusive, East River. Laid on the table and ordered to be printed for the use of the members.

THOMAS BOLTON, Clerk.

Resolved, That it be referred to the Committee on Wharves, Piers and Slips, to inquire into and report upon the expediency of extending the piers on the East River, from No. 8 to No. 14 inclusive, to correspond in length with pier No. 15 at Coffee-House Slip.

BY ALDERMAN PHENIX.

The Committee on Wharves, Piers and Slips, to whom was referred the annexed resolution, respectfully

REPORT:

That in consequence of the filling up of the slips adjacent to this property, and the natural increase of the commerce of the City, these wharves and piers have become excessively crowded, and the landing and reception of cargo attended with great hazard and inconvenience.

Your Committee propose to make the extension of these piers, section No. 2, of the plan recently submitted for the enlargement of all the piers on the East River, from No. 1 to No. 29, and to begin with them, inasmuch as the piers in question require large repairs, and the vessels that resort to them, more extensive accommodations; by referring to the annexed plan it will appear that it is proposed to extend

Pier No. 8 about 138 feet.

"	9	"	59	"
"	10	"	55	"
"	11	"	46	"
"	12	"	71	"
"	13	"	91	"
"	14	"	56	"

Making together, when completed, a gain of ten hundred and thirty-two feet.

The westerly half of piers Nos. 8 and 12 belong to the Corporation; Nos. 9, 10, 11, 13 and 14, are private property; the expense to the City will be about four thousand five hundred dollars.

The project for lengthening these piers has been advertised the usual time, and but two objections have been received at the Street Commissioner's Office.

Margaret Ten Eyek has a life estate in part of pier No. 8, and protests against paying for any of this improvement, as she is advanced in life.

Elizabeth Gautier has a life estate in two shares of piers, Nos. 9 and 10, and believes the improvement unnecessary; these are the only remonstrants.

Your Committee being decidedly of opinion that the present wharves and piers are altogether inadequate to the requirements of the commerce of the city, beg leave to offer for adoption the following resolution:

Resolved, That the following named piers on the East River be extended, under the direction of the Street Commissioner, viz.:

Pier No. 8 not exceeding 138 feet.

"	9	"	59	"
"	10	"	55	"
"	11	"	46	"
"	12	"	71	"
"	13	"	91	"
"	14	"	56	"

And that the Street Commissioner take the necessary legal measures to perfect the object of this resolution.

J. PHILLIPS PHOENIX,
CHARLES DE FOREST,
SAMUEL J. WILLIS.



DOCUMENT NO. 43.

BOARD OF ALDERMEN,

FEBRUARY 25, 1839.

The Committee on Wharves, Piers and Slips, to whom was referred the resolution, offered by Alderman Phœnix, in relation to the extension of the Piers on the East River, presented the following report thereon, which was laid on the table, and directed to be printed for the use of the members.

THOMAS BOLTON, Clerk.

Resolved, That it be referred to the Committee on Wharves, Piers, &c. to inquire into and report on the expediency of enlarging the accommodations for shipping on the East River, by extending all the piers from No. 1 to Roosevelt street, to correspond in length with pier No. 15, west side Coffee House Slip, so that the ends of said piers shall form a line parallel with South street, and that they also inquire and report on the expediency of making such extension with stone.

BY ALDERMAN PHŒNIX.

The Committee on Wharves, Piers, and Slips, to whom was referred the annexed resolution, respectfully

R E P O R T :

That they have examined the subject submitted to them, and maturely considered the importance of carrying out the plan embraced in the resolution. It will be recollected that within a few years past seven large slips have, by direction of the Common Council, been filled up. These slips gave very commodious berths to a large number of vessels that have been obliged to seek other places for the discharge and reception of their cargoes; this, with the regular increase of the commerce of the country, has rendered it absolutely necessary to provide for more enlarged accommodations in this section of the city.

The resolution referred to, proposes to extend all the piers on the East River, from No. 1 at the Battery, to No. 29, at the foot of Roosevelt street; so as to correspond in length with pier No. 15 at the Coffee House slip, and to run parallel with South street; thereby giving a uniform front to the ends of all the piers along the line of the river, in preference to the present unsightly, irregular and inconvenient arrangement of them, as will more fully appear by a reference to the map attached to this report.

Your Committee believe that the commerce of the city will be largely benefited by the extension of these piers, inasmuch as nearly five thousand feet will be added to the wharves embraced in the proposed plan; and as vessels can, if necessary, lie two and three abreast of each other, a gain of at least ten thousand feet may be fairly set down to the wharf accommodations on that part of the East River; and by making the piers uniform in length, the currents and eddies and consequent accumulation of mud in the slips, occasioned by the present long piers, will be avoided.

This project has been a subject of much conversation on the

part of the public, and it is believed to have met with general approbation. Should the plan now presented be adopted, it is proposed to divide the whole line into convenient sections, and proceed with the work, with such delay only as the public interest and wants of the community may render necessary.

Your Committee deem it inexpedient to construct the contemplated additions to the piers with stone; the great velocity of the current in the East River will render the undertaking not only highly expensive, but hazardous. They think that this result, so desirable, may be more satisfactorily obtained hereafter, by easing around the piers with stone walls, when they shall have so far decayed as to require renewal.

Your Committee believe that when the extension of these piers shall have been fully accomplished, they will present a line of accommodations for shipping not surpassed by any other city; with these views they offer, for adoption, the following resolutions:

Resolved, That a line drawn between piers No. 1 and No. 7 East River, parallel with South street, and distant three hundred and forty feet therefrom, be established as the exterior line for the extension of those piers when *ordered* to be extended.

Resolved, That a line drawn from the end of pier No. 15, west side of Coffee House Slip, and parallel with South street, be established as the exterior line of piers between pier No. 7, at Coenties slip and pier No. 29 at Roosevelt street.

Resolved, That whenever any of the piers included within the limits of the preceding resolutions, shall require to be extended, they shall be so extended, in conformity to the said exterior lines, in the manner designated by the accompanying map, dated February 25th, 1839, and signed John Ewen, *Street Commissioner*.

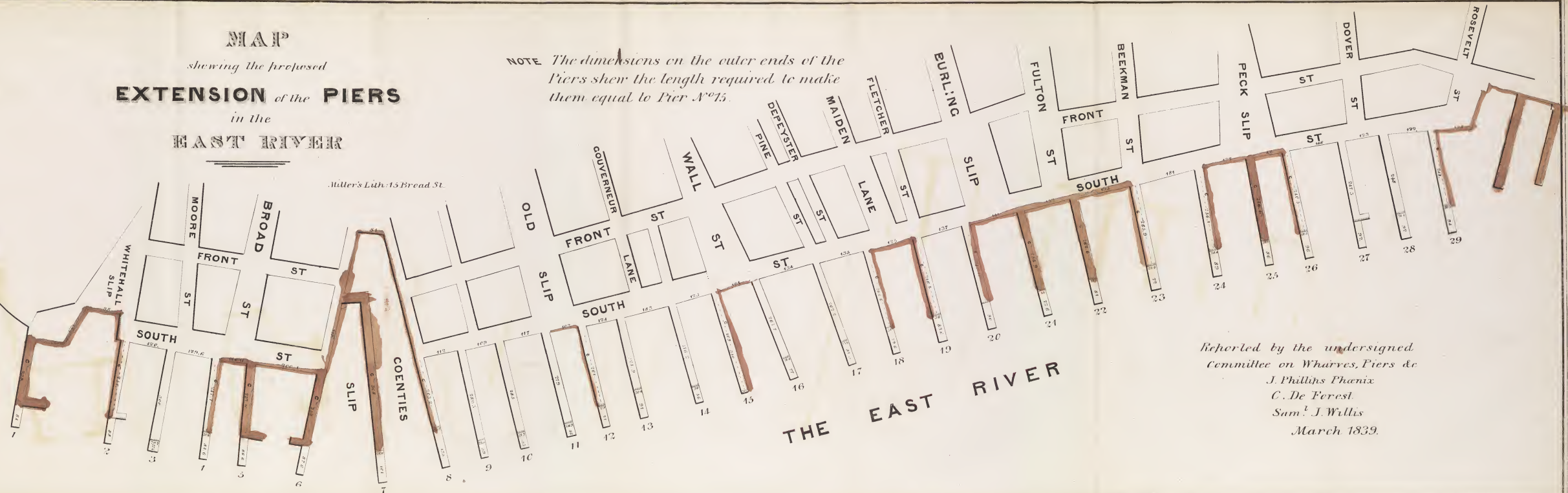
J. PHILLIPS PHOENIX,
CHARLES DE FOREST,
SAMUEL J. WILLIS.



MAP
showing the proposed
EXTENSION of the PIERS
in the
EAST RIVER

NOTE The dimensions on the outer ends of the
Piers show the length required to make
them equal to Pier No 15.

Miller's Lith: 15 Broad St.



Reported by the undersigned
Committee on Wharves, Piers &c
J. Phillips Phoenix
C. De Forest
Sam^l J. Willis
March 1839.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO REDUCE
SEVERAL LAWS, RELATING PARTICULARLY TO THE
CITY OF NEW YORK, INTO ONE ACT."



BOARD OF ALDERMEN,

MARCH 18, 1839.

An Act to amend an Act entitled "An Act to reduce several laws, relating particularly to the City of New York, into one Act;" as amended March 18, 1839, and directed to be printed.

THOMAS BOLTON, *Clerk.*

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO REDUCE SEVERAL LAWS, RELATING PARTICULARLY TO THE CITY OF NEW YORK, INTO ONE ACT."

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Whenever and as often as any lands, tenements, hereditaments or premises shall be required for any purpose specified in an Act entitled "An Act to reduce several laws, relating particularly to the City of New York, into one Act," passed

April 9, 1813, the application for the confirmation of the report of the Commissioners of Estimate and Assessment shall be made to the Supreme Court, at the Term thereof held in the City of New York; or at such Special Term, to be held in the City of New York, as the Supreme Court may appoint for that purpose; and if, upon hearing such application, persons who appear by the said report to be interested, either by assessment for benefit or award for damages, to the amount of two-fifths in amount, of the whole assessments and awards, shall appear and object to further proceedings upon the said report, the Court shall order the same to be discontinued, and the same shall thenceforth be discontinued.

§ 2. The Commissioners of Estimate and Assessment shall be appointed as follows: the Mayor, Aldermen and Commonalty of said City shall give notice, by advertisement, to be published in at least two of the public newspapers printed in the said city, of their intention to make application to the said Court for the appointment of such Commissioners; which notice shall specify the time and place of such application, and the nature and extent of the intended improvement; and shall be so published for and during the space of twenty days, previous to the said appointment. And they shall, in addition to the said advertisement, cause copies of the same, in handbills, to be posted up for the same space of time, in three conspicuous places, adjacent to the property to be affected by the intended improvement. At the time thus specified, the Mayor, Aldermen and Commonalty shall nominate three discreet and disinterested persons to said Court, of whom they shall designate one who shall be appointed. Any person who may be interested in the property which will be affected by the intended improvement, (which interest for this purpose shall be decided by his own affidavit, stating the nature and extent of such interest,) may present to the Court the name of one or more persons, which names shall form a list, out of which, if a majority in interest of the persons so interested shall agree upon the name of one person, that person shall be appointed; but if a majority shall

not agree upon one person, then the Court shall appoint one person out of the names in such list; after which the said Court shall appoint a third person, out of the names so presented by the Common Council and by the parties interested; all of which persons so nominated shall be subject to the right of challenge on the ground of interest, incapacity, or disqualification; to be exercised by the said Mayor, Aldermen and Commonalty, or by any person having an interest in the said matter. And if any of them be rejected from good cause, or refuse to serve, then another shall be nominated in his stead, by the same party.

§ 3. It shall be the duty of the said Commissioners, in all cases, to report fully to the said Court the amount of loss and damage, and of benefit and advantage, to each and every owner, lessee, party and person entitled unto, or interested in any lands, tenements, hereditaments or premises, so required for the purpose of any such operation or improvement.

§ 4. An abstract of the estimate and assessment of the said Commissioners, containing the names of the owners of the lots assessed, the numbers of such lots as they appear on the map of the Commissioners, together with such map; and the amount of the assessments, whether for damage or benefit, shall be deposited in the Street Commissioner's Office, for the inspection of whomsoever it may concern, for at least sixty days before the said Commissioners make their report to the said Court. They shall give notice of the time and place of making their said report, by advertisement, to be published in at least two of the public newspapers printed in the said city, for and during the space of at least sixty days, previous to the making of said report to the said Court; and by copies of the said advertisement, in handbills, to be posted up for the same space of time, in the manner hereinbefore directed. Similar notice, for at least twenty days, shall be given of any supplemental or amended report.

§ 5. Any person or persons, whose rights may be affected by the said estimate and assessment, and who shall object to the same, or any part thereof, may, within thirty days after the

first publication of the said notice, state his, her or their objections to the same, in writing, to the said Commissioners; which statements shall not be received by the Commissioners unless verified by his, her or their affidavits, or the affidavits of other persons, or both; and it shall be the duty of the said Commissioners, in all cases, to transmit to the said Court, together with their said report, all the written statements and affidavits which may have been served upon them within the time aforesaid.

§ 6. Upon the application of any person or persons, whose rights may be affected by the said estimate or assessment, verified by the oath of such applicant, or his agent, that any witness, residing or being in the City and County of New York, whose affidavit to verify any objection to the said estimate or assessment is material or necessary to such party, refuses voluntarily to appear before any officer authorized to take such affidavit, to testify to such matters as he may know, touching such objection, any one of the Justices of the Superior Court of the City of New York may issue a subpoena, under his hand, requiring such witness to appear and testify to such matters as he may know, touching the said estimate or assessment, at such time and place as the said Justice may designate in such subpoena. And every person who, being served with such subpoena, shall, without reasonable cause, refuse or neglect to appear, or appearing shall refuse to answer, under oath, touching the matters aforesaid, shall forfeit, to the party injured, one hundred dollars; and may also be committed to prison by the Judge who issued such subpoena; there to remain, without bail, and without the liberties of the Jail, until he shall submit to answer, under oath as aforesaid. The testimony of such witness, when given, shall be reduced to writing, in the presence of, and be sworn to, before such Judge.

§ 7. The said Mayor, Aldermen and Commonalty, shall be authorized at any time previous to the confirmation of a report of Commissioners, by the said Court, to discontinue all further proceedings relative to improvements under this law, without

the necessity of an application to the said Court for leave so to do.

§ 8. Whenever an estimate and assessment for loss and damage, and for benefit and advantage, shall be made by the said Commissioners relative to the same person or persons, no interest shall be demanded from such person or persons upon the amount assessed for benefit and advantage, except on the excess of the amount he is to pay over and above the amount he is to receive, for or in consequence of any intervening time, between the period fixed for the receipt of the amount of benefit and advantage, and the payment of the amount of loss and damage.

§ 9. All motions (except as hereinbefore provided) made under and by virtue of the Act hereby amended, before the said Court, or any Court to which an appeal may have been made, shall be, upon giving previous notice of the time, place and object of such motion, to be published for at least fourteen days, in two of the public newspapers, and by copies of said notice in handbills, to be posted up for the space of time, in the manner hereinbefore directed.

§ 10. The one hundred and seventy-ninth and one hundred and eightieth sections of the Act hereby amended, are repealed.

§ 11. No costs or charges to the said Commissioners, their Attorney, Counsel or others, shall be paid or allowed for any services performed under this Act, or the Act hereby amended, unless the same shall be taxed by the said Court, who are required to make rules to apply to the said bill of costs the existing laws in relation to the taxation of costs, and the nature and proof of the services rendered and disbursements charged, as far as the same can be made applicable; and no unnecessary cost or charges shall be allowed. Public notice of the time and place of the taxation of costs shall be given, for the same time, and in the same manner, as notices are required to be given by the above ninth section; and a copy of the bill of costs, containing items and particular services performed, shall be de-

posited in the office of the Street Commissioner at the time of the first publication of such notice.

§ 12. So much of the Act aforesaid as is inconsistent with the provisions of this Act, is hereby repealed.

§ 13. This Act shall take effect on its passage, but no part thereof, *except the twelfth section*, shall affect, in any respect, any proceedings under the Act hereby amended, which may have been commenced previous to the passage of this Act.

DOCUMENT NO. 44.

BOARD OF ALDERMEN,

MARCH 25, 1839.

Report of the Committee on Wharves, Piers and Slips, in favor of increasing the Wharfage. Laid on the table and directed to be printed for the use of the members.

THOMAS BOLTON, Clerk.

The Committee on Wharves, Piers and Slips, to whom was referred the annexed report from the Comptroller, in relation to increasing the rate of Wharfage ; also, a petition from several owners of wharves and piers, to have the rates of wharfage increased, respectfully

REPORT:

That they have examined the subject submitted to them with much attention, and are of the opinion that the income derived from property invested in wharves and piers, is much less than

that of any other real estate within this city ; and the capital invested in that description of property, by individuals, is so inadequately rewarded by the present rate of wharfage, that no inducement is offered to give such accommodations to shipping as are required for the commerce of the city ; and it is well known that the income derived from the public wharves is not much more than sufficient to keep them in repair.

The present rates of wharfage were established in 1813, at which time the taxable property of the city amounted to eighty-four millions of dollars. Then, house-rent, provisions, and labor, were comparatively low ; now, the real and personal estate of the city is assessed at two hundred and sixty-four millions ; and it is believed the value of almost every article of necessity has increased in a degree proportionate to the advance in the value of real estate ; and at the same time the revenue of this description of property is suffered to remain as it was twenty-six years since.

The wharves, piers and slips belonging to the city, are valued at one million seven hundred and sixty three thousand dollars, and the income derived therefrom is ninety-one thousand and eight dollars and eighty-three cents. It will appear by the annexed paper, marked A, that there has been paid out of the Treasury, for docks and slips, from 1830 to 1838 inclusive, seven hundred and twenty-nine thousand two hundred and sixty-six dollars and fifty-two cents ; and that the total receipts from the same, during that period, amounted to four hundred and seventy-eight thousand six hundred and eighty eight dollars and forty nine cents ; leaving a deficit, for nine years only, of two hundred and forty-nine thousand five hundred and seventy-eight dollars and three cents. If the individual owners of this description of property fared as badly, we can easily account for the reluctance that attends the improvement of wharf property, when directed by the Common Council. It is known, however, that there are some advantages attached to the owners of private piers. They generally make their own bargains, with a certain class of vessels ; and the privileges they give are either confirmed by the

Common Council, or the vessels occupy by common consent ; and by that arrangement they receive more in proportion for their property than accrues to the Corporation, inasmuch as the public wharves are leased from year to year, and the lessees are confined to the low rates of wharfage established in 1813.

Your Committee are aware that opinions are entertained, that if the rates of wharfage were much increased the mercantile interest will be sensibly affected by it, and that a consequent loss to the city generally will be sustained. Such, however, is not the result of the experience of other cities. And with a view more fully to contrast the difference in the income of this description of property, they beg leave to state, that the ship *Charlotte*, of 570 tons, arrived at Boston a few weeks since, from Liverpool. She discharged her cargo in fourteen days, and paid two hundred and seventy-five dollars wharfage. Now if *this ship* had arrived and discharged the same cargo in *this* port, her wharfage would have amounted to but twenty-eight dollars and five cents. If wharfage was charged on the goods when landed, and at half the rate now fixed in Boston, the income for the public property would be quadrupled ; and the tax so distributed as to be less burthensome than the present per diem charge on the ship. This has been the practice in Boston for many years ; and it is well known that the city has gone on to extend itself, and her merchants have become proverbial for enterprize and wealth. And your Committee fully believe, that to the liberal encouragement given to the owners of that description of property the construction of such valuable piers of granite may be attributed.

At Philadelphia, the rates of wharfage are about the same as in New York. They have but few piers, and the accommodations for shipping are inferior to those of this city. The income derived from wharves in Philadelphia, is about six per cent. per annum.

Your Committee are decidedly of opinion, that the rates of wharfage should be increased ; and that it would be desirable to do so, by a tariff on all goods landed and shipped ; but they

would limit the application of this tariff to the ships and merchandize from *foreign* ports ; leaving to the domestic trade of the country all the advantages of the present low port charges. But as the attention that will be required from the Committee, to give the comparative statements and estimates that will be necessary, would be more than could be conveniently devoted to the subject, in time for the action of the present Legislature, they will abandon these views for the present, and submit for consideration the following resolutions :

Resolved, That application be made to the Legislature, now in session, for an amendment to the law passed the 9th of April, 1813, " fixing the rates of wharfage in the city of New York," by adding fifty per cent. to the rates established by said law, in accordance with the schedule attached to the Comptroller's report.

Resolved, That the Counsel of the Board be directed to prepare the necessary application, and that his Honor the Mayor be requested to authenticate the same.

J. PHILLIPS PHŒNIX,
CHARLES DE FOREST,
SAMUEL J. WILLIS.

COMPTROLLER'S OFFICE, NEW YORK, }
MARCH 6, 1839. }

To the Honorable the Common Council of the City of New York:

The undersigned respectfully represents, that the wharfage received by the public for the docks and slips owned by the city, does not, at the present rates, yield a fair income on the expenditures or value of the property. The rates of wharfage for this city was fixed, by a law of the Legislature, in 1833; since which time great expenses have been incurred for building and repairing wharves and piers. It must also be considered as perishable property, for the wood-work of every pier and bulkhead has to be renewed in sixteen or eighteen years. By schedule A, hereto annexed, it will be seen what have been the expenditures and receipts since 1830. The slips have also to be cleansed and deepened, every few years, at a considerable expense. This was not made a separate charge until 1836. Before that time it was merged in the general account of docks and slips.

I would therefore respectfully suggest the propriety of an application to the Legislature, to increase the rates of wharfage fifty per cent. on the rates as fixed in 1813. By schedule B, hereto annexed, will be seen the present rates, and the rates which will be, with the addition proposed. Several of the owners of wharves and piers have been consulted, and all agree that they do not receive a fair interest for their property. By the plan which wharfage is collected in Boston, and at one-half of their rates, this city would receive a large interest on their capital invested in wharves and piers, and the city would soon be able to build stone piers and bulkheads from the proceeds of this property. It is considered by many as imprac-

licable at present to carry this plan into effect, for the reason that the commerce of this city is too large; and that many laws, having for their object summary process, would have to be passed and enforced, to carry out the plan; which would, not perhaps, be exactly relished by the commercial part of this community. I have no doubt, myself, of the practicability of the plan; but it will require more time to perfect and bring it into operation, than can at present be devoted to it by this department, and therefore prefer increasing the rates of wharfage for the present time. It is understood that a petition from the owners of piers and bulkheads, to have the rates of wharfage increased, will be presented to your Honorable Body this evening.

Respectfully submitted.

D. D. WILLIAMSON,
Comptroller.



SCHEDULE A.

DOCKS AND SLIPS.

Year.	Expenditures.	Receipts.
1830	\$34,038 07	\$42,367 50
1831	26,564 93	47,311 88
1832	37,932 25	47,519 59
1833	75,080 99	54,023 34
1834	106,864 60	49,270 00
1835	112,038 97	53,900 18
1836	103,605 18	48,847 50
1837	136,693 97	71,582 22
1838	96,447 56	63,866 28

SCHEDULE B

Every Vessel,	Tons.		Present Law. Per Day.	Law to be applied for. Per Day.
	5	20		30 cents
"	20	30		50
"	30	50	50 cents	75
"	50	100	62½	94¾
"	100	150	75	\$1 12½
"	150	200	87½	1 31¼
"	200	250	\$1 00	1 50
"	250	300	1 12½	1 68¾
"	300	350	1 25	1 87½
"	350	400	1 37½	2 06¼
"	400	450	1 50	2 25
"	450	500	1 62½	2 44
"	500	550	1 75	2 62½
"	550	600	1 87½	2 81¼
"	600	650	2 00	3 00
"	650	700	2 12½	3 18¾
"	700	750	2 25	3 37½
"	750	800	2 37½	3 56¼
"	800	850	2 50	3 75
"	850	900	2 62½	3 94¾
"	900	950	2 75	4 12½
"	950	1000	2 87½	4 31¼

Every vessel,	Tons.		Present Rates of Wharfage. Per Day.	Law to be applied for. Per Day.
	5	to 20	50 cents	50 cents
"	20	30	50	50
"	30	50	50	75
"	50	100	62½	94¾
"	100	150	75	\$1 12½
"	150	200	87½	1 31¼
"	200	250	\$1 00	1 50
"	250	300	1 12½	1 68½
"	300	350	1 25	1 87½
"	350	400	1 37½	2 06¼
"	400	450	1 50	2 25
"	450	500	1 62½	2 44¾
"	500	550	1 75	2 62½
"	550	600	1 87½	2 81¼
"	600	650	2 00	3 00
"	650	700	2 12½	3 18¾
"	700	750	2 25	3 37½
"	750	800	2 37½	3 56
"	800	850	2 50	3 75
"	850	900	2 62½	3 94
"	900	950	2 75	4 12½
"	950	1000	2 87½	4 31

DOCUMENT NO. 45.

BOARD OF ALDERMEN,

MARCH 25, 1839.

The Street Commissioner, to whom was referred the annexed Resolution, requiring him to report a list of Public Places and Streets which have been opened in the several years, from 1830, &c. &c. presented the following Report thereon, which was laid on the table, and four times the usual number ordered to be printed.

THOMAS BOLTON, *Clerk.*

To the Honorable the Board of Aldermen:

The undersigned, to whom was referred the annexed resolution, with instructions to report to the Board of Aldermen a list of the Public Places and Streets, which have been ordered to be opened in the several years since 1830, with the cost of improvements, distinguishing the amount assessed upon the City; together with the names of Commissioners and Counsel, amount of fees, &c.; also, a list of the Sewers ordered to be built, and the Streets to be regulated and paved within the above years, together with similar items of information, respectfully

REPORTS;

That in pursuance of the resolution, he has caused statements to be prepared, exhibiting the information, which are herewith submitted.

JOHN EWEN, *Street Commissioner.*

Street Commissioner's Office, March 25th, 1839.

Resolved, That the Street Commissioner report to this Board a list of the Public Places and Streets, which have been ordered to be opened in the several years from 1830; the years to commence on the 10th day of May in each year, shewing—

The time such opening was ordered.

The time the same was confirmed.

The names of Commissioners, and amount of fees received by them.

The name of the Counsel, and amount of charges made by him.

The amount paid for room hire, and other contingent expenses.

The cost of each improvement, if the same shall have been confirmed.

The probable cost, if the same shall not have been confirmed, unless discontinued.

The amount assessed in the City Treasury for each improvement. Also, to Report

In relation to the sewers, with the same items of information. Also, to Report

All streets that have been ordered to be paved in the said years, which have been paid for by assessment, designating (in addition to the items required for street opening) the number of square yards in each, or the length in miles, or both.

BY ALDERMAN DE FOREST.

Statement exhibiting the Streets ordered to be paved, from May 10th, 1830, to May 10th, 1839, inclusive.

When Ordered.	When Confirmed.	Name of Streets Paved.	Surveyors' Fees.	Cost of Inspecting.	Collectors' Fees.	Total Cost.
1830.	1830.					
May 17	Aug. 23	Suffolk and Hester streets, parts of ...	\$35 89	\$14 30	\$24 14	\$394 95
July 26	Nov. 1	Duane, between Chatham and William .	17 41	5 46	15 17	170 27
"	"	William st. between Pearl and Duane..	29 28	13 05	16 04	295 08
June 21	Oct. 18	Hall street, between 6th and 7th streets	10 90	5 45	5 00	170 58
July 12	" 11	Sixth street, from 2d to 3d avenue.....	42 18	19 05	20 00	1,054 73
June 21	"	Nassau street, from Spruce to Beekman	13 93	6 03	6 00	100 60
July 12	"	South street, from Old to Coenties slip	33 30	13 77	19 77	780 39
" 6	Nov. 1	Vesey st. from Washington st. to bulkhead	11 22	5 46	10 00	153 51
May 31	Oct. 11	Burton street, from Bleecker and Bedford	12 75	6 38	10 00	249 97
" 13	" 18	Eighth avenue, from 13th to 21st street	192 91	61 76	103 01	5,038 44
" 13	Nov. 1	Stone street, paving and draining, from Broad to Coenties lane	24 53	8 20	15 46	405 26
" 31	Oct. 18	Stone street, from Broad to Whitehall ..	22 53	11 26	17 67	210 75
Sept. 6	Dec. 13	Eldridge street, from Division to Hester	52 73	23 51	32 36	586 42
"	Nov. 15	Batavia street, from James to Roosevelt	20 80	10 40	13 39	143 83
July 12	Oct. 18	Twenty-first st. from 8th to 9th avenue	47 97	23 99	16 15	1,001 55
" 26	Nov. 29	William st. from Pine to Maiden lane ..	40 31	12 79	23 86	373 44
Sept 6	"	Lewis street, from North to 4th street..	42 40	15 91	41 18	743 32
" 20	Dec. 13	William street, from Duane to Frankfort	33 86	16 93	17 01	339 97
July 12	Dec. 27	Twentieth street, from 6th to 9th avenue	163 80	79 98	90 14	3,321 46

When Ordered.	When Confirmed.	Name of Streets Paved.	Surveyors' Fees.	Cost of Inspecting.	Collectors' Fees.	Total Cost.
1830, Sept. 6	1831, Jan. 10	Delancey street, from Goerck to bulkhead	\$49 55	\$16 74	\$37 12	\$2,003 30
" "	" 10	Thirteenth street, from 5th avenue to Greenwich lane.....	163 75	72 46	87 08	4,341 39
Oct. 11	Feb. 7	Ann street, from Nassau to Broadway	33 98	11 82	20 28	497 49
" "	Jan. 24	James slip and Water street, between Oliver and Roosevelt streets.....	32 33	13 92	19 86	448 55
" "	Feb. 21	Hester st. from Forsyth to Norfolk st.	117 10	41 61	64 45	1,104 02
Sept. 20	" "	Coenties slip, from Front to South street	7 61	3 80	13 86	157 31
Oct. 11	July 12	Hester st. from the Bowery to Forsyth st.	44 10	14 49	24 46	388 52
Nov. 15	" "	Franklin st. from Broadway to Church st.	40 61	15 93	21 75	316 31
1831, May 9	Sept. 5	Barclay st. from Church to Greenwich st.	48 41	19 37	34 20	582 83
1830, Oct. 11	July 1	Macdougall street, from 6th to 8th street	22 33	9 19	18 40	476 52
1831, April 11	Oct. 27	Tompkins st. from Grand to Delancey st.	34 67	15 75	17 48	848 08
1831, July 16	Nov. 10	James slip, from Water st. to bulkhead	21 98	10 99	30 46	989 77
April 11	" "	South st. from Market to Catherine slip	28 67	13 62	22 22	774 11
May 9	Dec. 22	Ninth st. from Broadway to 6th avenue	157 50	69 77	75 08	4,277 17
Sept. 9	" "	Greenwich street, from Morris street to Battery place.....	38 19	16 44	28 21	621 75
1830, May 29	" "	State st. from Battery place to Pearl st.	40 52	15 83	15 84	384 21
1831, April 11	" "	Twelfth st. paving, from 5th to 6th avenue	60 83	28 70	32 01	1,348 69
" 11	" "	Fourteenth st. from Bowery to 3d avenue	45 75	22 87	34 37	1,718 60
" 11	" "	Fifteenth street, from 5th to 6th avenue	66 78	31 17	37 57	1,710 13

1831, May 9	1831, Dec. 22	Asylum street, from 6th avenue to Christopher street	75 54	24 36	77 78	1,592 22
			170 62	71 11	71 84	3,639 23
"	"	" Eighth st. from Broadway to 6th avenue	48 90	18 33	38 64	639 07
Aug. 6	"	" Bayard st. from Bowery to Forsyth st.	66 14	30 60	35 00	1,502 01
April 11	"	" Tenth street, from 5th to 6th avenue ..	9 29	4 65	6 05	133 64
Oct. 10	1832, Jan. 4	" Fifth avenue, from 12th to 13th street..	48 00	24 00	24 16	1,045 16
Aug. 6	"	" Nineteenth street, from 8th to 9th avenue	70 83	22 57	27 19	2,925 84
Sept. 9	Feb. 2	" Third avenue, from 20th to 23d street				
Aug. 6	"	" Market street, from East Broadway to Division street.....	50 48	17 54	52 88	747 69
"	March 22	" Broadway, from Canal to Bleecker street	231 38	90 62	100 00	4,917 91
1830, Oct. 11	"	" Bloomingdale road, from 13th to 21st st.	190 75	66 48	145 63	5,398 25
1832, Feb. 1	" 24	" Ferry, Gold, Frankfort and Jacob streets, and cleaning sewers	22 00		40 73	531 24
1831, Dec. 9	1833, Jan. 12	" Third avenue, from 13th to 20th street, and blasting rock	178 59	53 57	52 00	8,654 76
Sept. 9	" 17	" Eighth avenue, from 13th to Hudson st.	128 84	41 30	104 35	5,543 37
"	Feb. 8	" Thirteenth st. and Greenwich, near 8th avenue.....	65 32	21 80	47 61	1,724 45
1832, Mar. 22	" 14	" Dover street, from Water to South st....	36 43		20 42	838 24
1831, Nov. 10	" 22	" Cherry st. between Dover and Roosevelt	25 10		15 00	250 69
1832, Aug. 6	" 28	" Burling slip, from Front to South (south side	9 28		7 00	129 61
" 4	"	" Lewis street, from 4th to 8th street....	73 94	45 00	24 42	2,560 24
" 31	"	" Sixth street, from avenue D to Lewis st.	18 10	12 75	11 24	672 73
Nov. 24	"	" Third street, from avenue C to D	32 16	21 00	16 96	1,438 63

When Ordered.	When Confirmed.	Name of Streets Paved.	Surveyors' Fees.	Cost of Inspecting.	Collectors' Fees.	Total Cost.
1832, Aug. 31	1833, Feb. 28	Seventh st. from avenue D to Lewis st.	\$16 18	\$11 25	\$10 44	\$601 95
" " 10	" "	Coenties slip, from Pearl st. to bulkhead	26 60		25 00	727 01
Sept. 21	" "	Jones st. from Bleeker to Asylum st..	24 36	12 00	10 00	436 82
July 11	" "	Munroe st. from Catherine to Rutgers ..	120 44	49 50	79 84	1,856 88
Aug. 31	" "	5th street, from avenue D to Lewis st.	20 16	14 25	11 69	575 22
" Oct. 12	" "	Water street, from Broad to Coenties slip	15 84	12 00	9 00	217 94
" " 12	" "	4th street, from avenue D to Lewis st. .	22 17	15 75	12 12	624 81
" Aug. 21	" "	Cedar street, from Broadway to Green- wich street.....	43 67	27 00	22 50	596 99
" Oct. 26	March 7	Essex street, from Division to Grand st.	53 94	33 00	25 48	674 36
" June 9	" "	Front street, from Gouverneur to Walnut street	46 38	37 50	16 42	1,621 67
" Oct. 6	" 20	Pine street, from Nassau to William st.	29 30	45 00	20 51	1,076 43
" May 19	" "	Hoboken st. from Washington to West street	21 18		9 91	450 64
" " 22	April 10	17th street, from 7th to 9th avenue....	101 79	55 50	48 28	3,768 01
" Oct. 12	June 25	Nassau street, near Wall street.....	7 50		5 00	171 69
1833, Feb. 14	Sept. 10	Suffolk street, from Grand to Delancy street	54 79	30 00	30 88	997 57
" April 20	" "	Avenue C, from 2d to 3rd street.....	25 20	8 63	13 0	704 40
" Nov. 24	" "	3rd street, from avenue C to 150 feet east of same.....	9 00	4 50	6 30	337 80

1833, Feb. 13	1833, Sept. 24	Chambers street, from Greenwich to Washington street.....	13 38	27 00	9 20	407 68
1832, Oct. 12	"	" Catharine street, from Cherry to Madison street	55 07	22 50	44 89	957 92
" " 26	Oct.	8 Liberty street, from Broadway to Washington street.....	59 02	36 00	37 14	1,223 09
" Dec. 1	"	" Vesey street, from Broadway to Greenwich street.....	70 00	33 00	34 47	2,090 80
1833, May 17	"	" 5th street, from Avenue C to D.....	41 16	12 00	20 50	1,851 68
" July 9	"	" Gold street, from Beckman to Ferry st..	27 18	9 75	23 39	424 83
1832, March 29	"	" 12th street, from Bowery to 5th avenue	93 97	46 50	45 00	3,188 88
1833, Feb. 14	"	" La Fayette Place, from Great Jones to 8th street.....	66 13	54 75	33 57	2,765 10
1832, July 25	"	" 18th street, from 7th to 10th avenue....	159 84	102 75	71 44	5,789 58
1833, May 18	"	" Avenue C, from 3rd to 5th street.....	47 80	15 00	21 13	1,829 48
" June 10	"	" 22 William and adjoining streets, near Hanover square.....	60 85	39 00	41 09	1,340 31
" " 25	Nov.	5 Cross, Anthony and Little Water streets	50 00	16 13	34 84	1,266 00
" May 17	"	19 Hudson street, from Canal to Van Dam st	83 54	67 50	80 94	2,761 94
1832, Dec. 1	Dec.	3 Murray street, between Church and Greenwich streets.....	65 17	30 00	30 33	1,589 81
1832, Oct. 6	"	17 15th street, from 7th to 8th avenue....	48 00	19 50	33 50	1,970 82
1833, March 4	"	" Goerck street, from North to 3rd street.	11 74	4 87	7 91	425 56
" July 30	"	" Fulton street, from Cliff st. to East River	89 33	61 12	55 13	2,963 80
" Jan. 5	1834, Jan.	14 3rd street, between Lewis and Mangin sts	21 99	4 12	14 08	1,104 70
" " 5	"	28 16th street, from 8th to 10th avenue....	113 75	63 75	56 59	4,722 54

When Ordered.	When Confirmed.	Name of Streets Paved.	Surveyors' Fees.	Cost of Inspecting.	Collectors' Fees.	Total Cost.
1833, Aug. 13	1834, Jan. 28	Avenue D, from 8th to 10th street.....	\$51 34	\$16 50	\$24 55	\$1565 75
" " 13	Feb. 4	Tenth, Stuyvesant and other streets, between the Bowery and 2d avenue....	115 14	69 59	77 00	4253 61
" July 16	" "	9th street, between Stuyvesant st. and 2d avenue.....	27 76	20 41	16 07	818 66
1834, Jan. 1	" 18	3rd avenue, from 23rd to 28th street...	139 20	70 50	84 68	12,944 13
1833, July 2	" "	2d avenue, from 5th to 9th street.....	96 05	94 87	72 58	5132 79
" March 7	" "	Washington Place, from Broadway to Wooster street.....	54 76	49 50	38 10	2495 14
" Oct. 8	April 15	William street, from Wall to Pine street	15 78	7 50	9 84	424 30
" " "	June 12	Troy street, from Asylum to West st..	80 30		39 61	3512 23
" " "	" 17	Ann street, from Nassau to William st..	35 25	22 50	23 30	970 97
" Aug. 13	" "	19th street, from 7th to 8th avenue....	52 92		28 08	2166 03
" Feb. 8	July 27	7th street, from avenue C to D.....	41 16	18 00	16 73	1596 07
1834, March 25	" 9	19th street, from 6th to 7th avenue.....	52 91	15 00	36 99	2108 00
" " 8	" 17	4th street, from avenue C to D.....	41 16	31 50	21 03	1699 82
1833, July 2	" "	2d avenue, from 9th to 10th street.....	29 12	2 25	19 86	1735 91
" Dec. 10	" 24	Goerck street, from Stanton to Houston st	24 00	15 00	17 53	1244 55
1834, March 8	" 30	Mercer street, from Waverly Place to 8th street.....	25 54	11 25	14 38	633 11
1833, Oct. 8	" "	City Hall Place, from Pearl to Chambers street.....	55 66	37 50	24 88	1438 60

1833, Oct. 22	1834, Aug. 8	10th street, from Bowery to 5th avenue	103 69	49 88	52 08	4411 71
" April 20	Sept. 24	10th street, from 2d avenue to avenue D.	257 07	106 87	117 79	11,907 27
1834, July 2	" 20	19th street, from 9th to 10th avenue...	47 95	16 50	30 28	1756 97
" " 2	" 20	Gay street, from Waverly Place to Christopher street.....	22 78	6 00	12 21	257 52
" April 22	Dec. 6	15th st, from Union Place to 6th avenue	103 09	37 50	52 14	3310 87
1833, Aug. 13	" 17	9th avenue and Hudson st, from Great Kill road to 21st street.....	254 68	102 00	138 23	14,335 59
1834, July 2	" 17	8th street, from avenue D. to Lewis st..	20 25	27 00	14 02	891 56
" " 9	" 17	Jefferson street, from Cherry to South street.....	65 09	45 00	12 64	1898 16
" " 17	1835, Jan. 2	21st street, from 2d to 3rd avenue.....	53 05	57 00	27 44	3055 58
" " 24	" 2	Walker street, from Bowery to Mott st.	33 32	27 75	18 52	829 69
" Aug. 6	" 2	Barrow street, from 4th st. to 6th avenue	23 27	26 25	30 00	1285 00
" April 1	" 2	Cedar st, from Broadway to William st.	68 40	39 00	47 77	1657 83
" Sept. 24	" 14	Grand street, from Bowery to Forsyth st.	45 56	48 00	43 16	1470 65
" " 27	" 14	26th street, from 2d to 3rd avenue.....	50 87	25 50	27 00	3477 50
" Nov. 6	" 14	9th avenue, from 21st to 22d street....	40 11	24 00	23 75	1772 00
" Aug. 6	" 28	18th street, from 10th avenue to Hudson River.....	33 95		23 16	1374 11
" Sept. 10	July 11	5th street, from 1st to 2d avenue.....	49 15		11 80	340 13
1834, July 17	Feb. 20	3rd street, from 1st avenue to avenue C.	149 34	69 75	43 53	4190 59
" April 1	May 14	Spruce and William streets.....	83 29	42 00	50 94	2310 71
" June 5	July 3	5th street, from avenue 1st to avenue C.	150 90	85 50	42 50	4460 82
" Oct. 10	" 17	Tompkins street, from Delancy to Livingston street.....	24 46	15 00	25 24	1184 86

When Ordered.	When Confirmed.	Names of Streets Paved.	Surveyors' Fees.	Cost of Inspecting.	Collectors' Fees.	Total Cost.
1834, Oct. 30	1835, Sept. 16	Peck slip and adjoining streets.....	\$146 75	\$118 38	\$70 59	\$5113 84
" Nov. 6	" "	" Rivington street, from Mangin to East st.	34 72	9 37	20 21	1742 07
" Oct. 23	" "	" 6th avenue, from 13th to 17th street...	100 50	52 50	36 15	4588 01
" " 23	" "	" 1st avenue, from 7th to 12th street.....	71 48	39 00	54 73	5691 90
" Nov. 20	" "	" 5th avenue, from Waverly Place to 14th street.....	159 38	109 50	62 09	6747 33
1835, May 6	" "	" Leonard st, from Broadway to Church street.....	40 16	12 75	26 68	1149 28
" July 17	Oct. 10	19th street, from 10th avenue to Hudson River.....	36 58	19 50	23 36	1708 93
1834, Dec. 17	Nov. 2	Avenue A, from 1st to 10th street.....	186 61	73 50	26 04	3804 15
" Nov. 19	" "	" 26th street, between 3rd and 4th avenues	44 00	41 25	25 00	2451 17
" " 19	Dec. 5	16th street, between 6th and 7th avenues	63 95	25 88	22 45	1814 68
1835, July 17	" "	" Amos street, from Greenwich lane to 6th avenue.....	20 24	13 50	10 00	1275 50
May 14	" "	" Hudson street, from Vandam and Charlton streets.....	30 00	25 12	25 54	1800 77
1834, Nov. 19	" "	" Bank street, between West and Greenwich streets.....	43 45	13 50	25 62	1711 71
1835, Jan. 14	" "	" 24th street, between 3rd and 4th avenues	64 51	51 02	34 06	3114 75
" " 17	" "	" 15th street, from William to Gold street	20 34	41 75	24 54	1134 59
1834, Nov. 16	" "	" 23rd street, from 3rd to 4th avenue....	64 29	56 25	30 00	2742 79

1835, June 19	1835, Dec. 30	6th street, from avenue C to D.....	42 14	15 00	15 00	2227 33
Aug. 11	1836, Jan. 9	14th street, from 6th to 7th avenue....	48 00	36 00	23 55	2890 98
1834, Dec. 12	" 14	Washington street, from Hammond to Jane street.....	56 54	18 00	35 04	2780 23
1835, May 20	" 27	Avenue B, from 3rd to 10th street.....	149 94	99 75	55 90	5983 46
" 14	Feb. 11	Robinson street, from College Place to Hudson River.....	69 42	39 00	32 83	1871 18
July 22	July 9	Jane street, from Hudson street to Hudson River.....	78 29	49 50	30 33	4370 72
Aug. 11	" 26	15th street, from 6th to 7th avenue.....	67 86	63 00	33 60	3487 70
June 25	" 4	4th street, from 1st avenue to avenue C.	129 81	132 00	41 28	8569 40
July 17	Aug. 3	27th street, from Post road to 3rd avenue	77 54	73 12	30 54	5517 66
May 20	" 7	th street, from avenue A to B.....	39 36	37 50	12 66	2219 52
1834, Oct. 30	" 4	Green street, from Waverly Place to 8th street.....	25 94	10 50	13 01	936 37
1835, June 19	Sept. 23	21st street, from Bloomingdale road to 3rd avenue.....	50 76	14 23		4460 00
July 17	" 4	Horatio st, from Washington to Greenwich street.....	57 41	32 56		2771 92
Dec. 10	Oct. 20	25th street, from 2d to 3d avenue	36 60	31 50	25 00	3071 16
" "	" 4	27th street, from do. do.	36 60	28 50	24 70	2902 70
Aug. 11	Nov. 4	14th st. from 6th avenue to Union place	103 86	81 00	21 04	5460 98
July 22	" 16	South st. from Clinton to Montgomery, and Front, from Montgomery to Governor street.....	62 14	82 50	13 14	4943 09
1836, June 6	" 30	28th street, from 1st to 4th avenue	162 36	54 00	41 90	5752 29

When Ordered.	When Confirmed	Name of Streets Paved	Surveyors' Fees.	Cost of Inspecting.	Collectors' Fees.	Total Cost.
1835, Mar. 25	1836, Dec. 10	8th avenue, between 21st and 31st streets	\$78 83	\$27 00	\$42 85	\$5,529 51
May 14	" 22	Union place.....	222 87	279 00	147 66	32,006 11
1836, July 22	" 22	Wooster st. from Waverly to Union place	181 92	63 00	74 00	13,757 80
1835, Nov. 18	1837, Jan. 26	22d street, between 8th and 9th avenues	6 00	6 00	4 04	748 51
1836, Nov. 26	Feb. 7	William street, between Pine and Wall st.	27 46	40 00	23 00	1845 07
1835, Oct. 10	" 7	Beaver st. between William and Broad	25 22	28 50	26 63	1985 22
1836, July 22	May 5	New street, from Wall to Beaver	78 83	61 87	52 03	4192 75
Sept 23	" 5	Gouverneur slip.....	54 05	63 00	39 33	5420 56
June 6	" 5	19th street, from 3d avenue to Bloomingdale road.....	102 11	278 50	31 57	8196 74
" 6	" 31	10th avenue, from 16th to 19th street ..	54 42	32 00	30 17	3934 70
Sept. 29	" 31	Liberty st. from Maiden lane to Nassau st	58 58	49 50	30 11	4271 98
1835, Oct. 10	June 8	Pine st. from Broadway to Nassau st....	27 22		11 86	1231 60
1836, April 26	" 8	3d avenue, (a portion of) between 125th and 129th streets	30 00		17 20	1197 20
Sept. 29	" 8	Bethune st. from Greenwich to Washington	56 95	16 00	29 17	3718 50
1835, May 8	" 8	4th avenue, from 17th to 28th street ...	257 03	229 50	63 95	15,376 28
1836, Oct. 22	" 20	23d street, between 8th and 9th avenues	27 12		57 98	10,374 63
1837, Feb. 3	" 29	11th st, between Broadway and Wooster street	39 87	39 00	12 07	3222 81
1835, July 22	Aug. 8	South st. between Rutgers and Clinton	52 69	76 50	20 26	4653 49

1836, Sept. 29	1837, Aug. 8	Gold street, from Frankfort to Fulton ..	109 75	165 50	56 91	5724 23
" 29	Sept. 8	Fulton st. from Broadway to Ryder's alley	134 84	133 50	43 47	12,313 07
1837, May 7	Sept. 27	William st. from Wall to Hanover square	64 94	36 00	30 88	3240 51
1836, Dec. 10	Oct. 6	Mill street, between Broad and William	45 49	221 00	48 28	5142 17
Sept. 29	" 6	Front and Water streets, from Old to Coenties slips.....	91 92	88 00	52 60	4961 23
" 29	" 25	Burnt district, from do. do.	367 51	226 00	132 61	26,866 83
Nov. 4	" 25	7th avenue, from Greenwich lane to 21st street.....	213 28	90 00	55 53	12,294 69
1837, May 7	Nov. 1	William st. between Pine & Maiden lane	60 93	54 00	30 58	1633 03
1836, Nov. 4	" 1	11th and 12th streets, between Greenwich lane and 6th avenue	118 53	42 00	40 27	9033 38
1836, Sept. 29	" 8	Beaver st. between William and Pearl..	54 10	62 00	31 20	3018 19
1837, Mar. 23	" 8	129th street, between 3d and 8th avenues	336 30	146 50	53 42	12,425 72
Aug. 8	" 8	South st. between Roosevelt and James	39 30	57 00	22 00	4259 62
1836, Oct. 22	" 16	24th st. between 8th and 10th avenues..	173 85	58 00	49 96	11,429 80
" 14	" 16	Whitchall slip.....	25 87	94 00	11 70	4372 36
1837, Aug. 8	" 16	Greenwich street, between Clarkson and Leroy street	20 82	12 00	10 00	1297 06
" 2	" 16	Front st. between Beekman and Fulton	22 38	66 00	11 11	1246 91
May 6	" 16	Bowery, from Grand to Rivington street	136 39	80 00	45 28	8824 87
March 27	" 23	Chatham and intersecting sts. between Pearl and Mott	136 24	196 00	45 68	8536 92
Aug. 8	" 29	Grand st. between Sheriff and Columbia	29 60	35 00	25 17	1925 34
1836, May 16	Dec. 23	Chapel and adjoining streets, between Murray and Canal	603 61	452 00	259 77	33,613 46

When Ordered.	When Confirmed.	Name of Streets Paved.	Surveyors' Fees.	Cost of Inspecting.	Collectors' Fees.	Total Cost.
1837, Sept. 27	1837, Dec. 23	Wall street, between Exchange place and Pearl street	\$28 65		\$14 40	\$1018 29
1836, Sept. 26	" " 23	Broome st. between Bowery and Allen st.	101 69	102 00	39 94	4787 86
1837, Aug. 2	1838, Jan. 4	Grand st. between Suffolk and Orchard ..	115 80	58 00	63 41	6563 06
1837, Feb. 17	" " 11	Bowery, between 13th and 14th streets ..	22 96	28 00	11 34	1175 59
April 26	" " 11	Bowery, between Chatham square and Grand street	192 31	150 00	53 75	21,534 82
Sept. 27	" " 11	Pearl st. between Wall and William... ..	37 82	62 00	18 45	2249 57
Aug. 2	" " 17	Washington st. between Albany & Rector ..	51 31	48 00	26 55	2780 76
Oct. 11	" " 26	Coenties alley, between Stone and Pearl ..	16 43	20 00	6 85	366 82
" 6	Feb. 1	South st. between Peck slip and Roosevelt street	41 46	101 00	28 02	4642 86
July 19	April 26	Horatio street, between Greenwich street and 8th avenue	38 71	28 00	16 60	2336 99
Aug. 8	May 4	Pearl street, from Elm to Cross street... ..	47 88	76 00	25 40	2814 24
Oct. 18	June 27	Chatham square and East Broadway, between Catherine and Mott	91 63	162 00	40 00	6851 19
Aug. 2	July 7	Grand st. between Suffolk and Willet sts.	138 00	122 00	64 68	7974 94
1838, May 15	Aug. 1	Sheriff street, from Houston to 2d street ..	22 65		26 55	955 52
1836, April 15	" " 1	14th street, from 7th to 10th avenue... ..	152 69	256 00	97 67	8770 29
1837, Aug. 8	" " 6	Centre street, from Grand to Walker... ..	217 01	331 00	96 38	13,470 76
1836, Sept. 23	" " 6	19th street, from 1st to 3d avenue... ..	110 00	198 00	37 34	8361 61

1837, Aug. 8	1838, Oct. 4	Franklin street, from Elm to Orange...	41 55	54 00	17 81	2038 68
" " 8	" 4	Leonard street, from Centre to Elm...	26 40	36 00	15 37	1335 52
1838, July 3	Nov. 2	South st. from Broad to Coenties slip ..	32 93	60 00	21 97	3182 18
1837, Aug. 8	" 15	Centre street, from Pearl to Walker ...	119 37	108 00	72 76	7736 36
" " 8	" 15	White street, from Elm to Orange.....	36 45	66 00	20 62	1655 15
" " 8	" 15	Leonard street, from Centre to Orange...	25 82		23 93	1211 89
1838, July 3	" 28	Front street, from Coenties slip to Moore street.....	40 15	46 00	21 60	1564 69
1837, Aug. 8	Dec. 24	Centre and adjoining streets, between Pearl and Chatham.....	273 54	238 00	73 95	21,867 24
1838, March 1	" 6	Church street, from Fulton to Reade...	165 00	98 00	51 22	4958 06
Aug. 6	" 6	South st. from Beekman to Peck slip ..	22 67	47 00	14 76	1185 64
July 20	Jan. 7	Walker street, from Mott to Orange...	74 43	86 00	35 58	2310 77
1837, Sep. 18	" 11	Orange st. between Grand and Broome	48 00	80 00	19 05	3528 96
1838, Aug. 6	" 23	Front street, from Maiden lane to Fulton and Burling slip.....	86 97	98 00	46 76	3980 81
1836, Oct. 7	March 8	4th avenue, between 125th and 129th streets, (a portion of)			20 00	1180 25
1838, Sept. 7		Stone st. from Broad to Coenties alley..	20 44	84 00	23 48	847 61

Recapitulation of Paving Streets.—Total Amount of each Year as follows :

		Surveyors' Fees.	Cost of Inspecting.	Collectors' Fees.	Length of Pavement in feet.	Total Cost.
From May 10, 1830, to May 10, 1831	.....	\$2,326 19	\$1,853 26	\$1,402 61	28,291	\$ 49,039 48
" " 1831, " " 1832	.....	1,069 50	368 31	637 71	12,120	32,752 47
" " 1832, " " 1833	.....	1,752 01	983 24	928 98	19,691	56,978 87
" " 1833, " " 1834	.....	1,864 20	935 30	1,127 48	23,220	81,303 96
" " 1834, " " 1835	.....	2,084 95	1,221 90	895 64	15,858	86,714 10
" " 1835, " " 1836	.....	1,670 27	1,535 86	792 62	26,708	116,134 02
" " 1836, " " 1837	.....	3,770 40	3,273 87	1,652 38	36,887	258,358 89
" " 1837, " " 1838	.....	1,672 93	1,848 00	664 03	12,763	104,130 27
" " 1838, " " 1839	.....	300 24	421 00	190 70	2,402	14027 27

Openings of Streets, Avenues and Squares, ordered from 10th May, 1830, to 10th May, 1831.

Names of Streets, &c.	When ordered by Common Council.	When confirm'd by Supreme Court.	Commissioners' Names.	Commis- sioners' Fees.	Name of Counsel.	Counsel's Charges and Court Exp's.	Room hire and Conting- ent Exp's.	Surveyors' Fees.	Collectors' Fees.	Assessed upon the City Treas'y.	Total Cost.	Probable Cost.
17th street opening, from 3d to 6th avenue	1830. May 17	1831. April 21	A. Bloodgood Thomas Bolton C. I. Roosevelt John Leonard	\$288 00	R. Emmet.	\$346 86	\$62 75	\$80 30	\$75 00	\$934 00	\$7287 00	
9th avenue opening, from 25th to 34th street	.. ..	1831. Aug. 18	Abm. Baudoine E. Warner John Lozier	330 00	do.	212 63	\$0 00	113 63	67 53		3673 62	
Pine street widening. cor. William	July 12	1830. Nov. 18	Abm. Baudoine I. S. Baker John Targee	135 00	do.	237 01	20 00	55 00	81 00		3256 75	
Lombardy street, widening, from Catherine to Jefferson street	Oct. 11	1831. Feb.	Reuben Munson I. B. Lesler David Lyon		do.	1104 96	185 00	143 00	290 00	1740 00	68,563 96	
16th street opening, from 8th avenue to the Hudson River	Nov. 15	1831. Nov. 17	S. Purdy E. Warner Gideon Tucker	323 00	do	392 39		51 00	108 00		3127 90	
36th street opening, from 5th avenue to Fitzroy road	1831. April 25	1831. Nov. 17	E. Warner Jacob S. Baker	75 00	do	134 10		26 42	15 00		633 00	
South street widening, bet. Clinton and Montg. street, and extending from Montgomery to Corlears st.	April 25	1832. April 25	John Lozier Shivers Parker T. R. Smith	345 00	do.	364 96	44 00	105 00	159 96		6155 00	
Pine street widening, between Nassau and Pearl	May 9	1832. Mar. 23	Murray Hoffman C. Harsen Alph's Sherman	384 00	do.	535 94	35 00	105 00	180 00		22,701 00	
16th street, from 3d to 6th avenue	April 25	1832. Nov. 22	Peter Staggs Jacob S. Baker Peter Staggs	283 00	do.	282 00	10 00	44 00	40 00		8155 22	
William street widening, between Exchange and Stone street	April 18	1831. Nov. 17	John Harris Abm. Le Foy	468 00	do.	314 96	87 50	109 24	150 00		38,919 00	

Openings of Streets, Avenues and Squares, ordered from 10th May, 1831, to 10th May, 1832.

Amity lane opening, from Broadway to Sullivan street	July 26	1832. May 28	Peter Staggs G. Forbes Abm. Le Foy	\$966 00	R. Emmet.	\$358 37		\$249 08	\$30 00		\$1,803 45	
19th street opening, from 6th avenue to Bloomingdale road	Oct. 6.	1832. June 7	Abm. Bloodgood C. J. Roosevelt L. P. Jordan	156 00	do.	164 53	\$26 00	44 00	40 00		3,186 04	
20th street opening, from 6th avenue to Bloomingdale road	Oct. 6.	1832. June 7	Abm. Bloodgood C. I. Roosevelt L. P. Jordan	156 00	do.	164 53	26 00	44 00	40 00		1,067 82	
5th street widening from Broadway to Wooster street	Nov. 24	1832. May 29	Murray Hoffman John Shidell John Lozier	210 00	do.	258 03	15 00	53 75	60 00		22,346 78	
23d street opening, from 3d avenue to East River	Nov. 24	1833. Feb. 11	Abm. Baudoine Jacob S. Baker Jacob Lozier	312 00	do.	478 76	33 00	68 22	61 78	117 00	1,889 76	
42d street opening, from 3d avenue to Bloomingdale road	Dec. 19	1833. April 19	Jacob S. Baker Abm. Baudoine	276 00	do.	175 74	29 00	82 00	61 52	188 60	1,484 81	

Openings of Streets, Avenues and Squares, ordered from 10th May, 1831, to 10th May, 1832.—Continued.

Names of Streets, &c.	When ordered by Common Council.	When confirmed by Supreme Court.	Commissioners' Names.	Commissioners' Fees.	Name of Counsel.	Counsel's Charges and Court Exp's.	Room hire and Contingent Exp's.	Surveyors' Fees.	Collectors' Fees.	Assessed upon the City Treas'y.	Total Cost.	Probable Cost.
Low's lane closing, from Old Post road to 6th avenue	1831. Dec. 19	1833. April 16	Jacob Lozier Jacob S. Baker Abm. Baudoin Thos. R. Smith	\$144 00	R. Emmet	\$175 74	\$ 11 00	\$130 00		\$1322 83	\$1322 83	
Cross, Anthony, and Little Water streets, widening, &c.	1832. Jan. 3	Feb. 11	S. Gilford, jun. John Leonard John Targee	492 00	do.	867 69	47 00	140 00	240 00	2848 00	26,595 00	
Union Place opening	Feb. 1	April 4	John Harris Geo. R. Thorp Murray Hoffman	1769 00	do.	1889 00	120 00	596 00	800 00	1145 00	116,051 00	
Cedar street widening, between William and Broadway	March 22	Aug. 2	J. B. Thorp Wm. P. Hallett Peter Staggs	756 00	do.	793 59	171 00	169 04	150 00	8522 64	65,122 97	
Ann street widening, between Nassau and William	March 26	Feb. 15	Abm. Le Foy H. Ruggles John Targee	516 00	do.	306 41	120 25	152 72	150 00		22,697 00	
Hanover street widening at Exchange Place	April 1	Dec. 24	S. Gilford, jun. G. Van Cott Abm. Dal y	384 00	do.	269 35	45 00	56 00	75 00		14,327 35	
Spruce street widening, between Nassau and Gold	April 27	May 26	F. S. Kinney John Leonard David Lyon	540 00	do.	568 48	97 00	130 00	120 00	1952 00	52,912 48	
22d street opening, from 1st to 4th avenue	May 5	Feb. 11	C. Duwenberry Samuel Priddy M. Hoffman	216 00	do.	287 01	28 38	98 91	100 00		842 79	
William street widening, from Wall to Pine street, (east side)	May 10	June 20	T. R. Mercier —Van Nortwick	300 00	do.	387 63	90 00	134 00	150 00	5429 34	45,799 53	

Openings of Streets, Avenues and Squares, ordered from 10th May, 1832, to 10th May, 1833.

15th street opening, from 6th to 8th avenue	1832. June 4	1833. Mar. 27	Abm. Le Foy Peter Staggs G. Forbes Abm. Dally	\$228 00	R. Emmet.	\$314 96	\$58 00	\$36 00	\$80 00	\$1153 00	\$5597 96	
Morton street widening	Aug. 15	April 19	Samuel Purly William Lee John Leonard	96 00	do.	187 09	12 00	25 00	45 00		1408 09	
Exchange place widening at William street	Aug. 15	Dec. 6	John Leonard John B. Thorp	240 00	do.	237 10	35 00	64 00	65 00		10,230 22	
Fitzroy road closing, from 23d to 42d street	Oct. 26	Dec. 21	John Leonard Alph's Sherman C. Harsen	360 00	do.	396 81	40 00	120 00		9239 64	9239 64	
Hurlgate road closing, from 2d avenue to avenue A	1832. Feb. 2	1834. April 18	John Targee A. A. Jacobus L. P. Jordan	153 00	do.	173 31	24 00	41 00		1920 31	1920 31	
4th avenue opening, from 17th to 28th street	March 7	Nov. 21	Murray Hoffman Abm. Le Foy	204 00	do.	289 75	35 70	116 00	70 00		1223 45	
84th street opening, from 2d to 1st avenue, and 1st avenue, from 84th to 86th street	March 7	April 18	John Targee A. A. Jacobus L. P. Jordan	252 00	do.	217 56	21 00	71 00	43 00		1932 56	

Openings of Streets, Avenues and Squares, ordered from 10th May, 1832 to 10 May, 1833.—Continued.

Names of Streets, &c.	When ordered by Common Council.	When confirmed by Supreme Court.	Commissioners' Names.	Commis- sioners' Fees.	Name of Couns.l.	Counsel's Charges and Jourt Exp's.	Room hire and Conting- ent Exp's.	Surveyors' Fees.	Collectors' Fees.	Assessed upon the City Treas'y	Total Cost.	Probable Cost.
Irving place, opening, from 14th to 20th street	1833. Mar. 7	1834. June 7	I. S. Baker A. J. Bleecker John Lozier Abm. Dally	\$312 00	R. Emmet	\$350 13	\$25 00	\$76 55	\$100 25		\$19,340 83	
Gay street, opening, from 6th to Christopher street	Mar. 13	1834. April 18	L. Chapman Isaac A. Johnson Peter Stagg	96 00	do.	147 62	20 00	55 00	30 00		1,414 62	
Liberty st. widening, from Broadway to Greenwich street.	" "	1833. April 5	Ichabod Prall Thomas Cott David Lyon	228 00	do.	268 34	37 22	55 78	100 00		6,314 34	
Barrow street, extending, from Asylum street to the 6th avenue.	" "	1833. Sept. 19	Murray Hoffman Peter Davy	312 00	do.	318 10	50 00	124 00	120 00	1,035 05	16,094 31	
27th street, opening, from Old Post road to the 2d avenue.	" "	1834. Mar. 21	Samuel Purdy John Stilwell William Kent	156 00	do.	168 12	19 00	48 00	20 00		411 12	
25th street, opening, from the Post road to 2d avenue.	" "	1833. Oct. 3	John Leonard John Simonson Geo. C. Morgan	156 00	do.	181 45	18 00	56 00	31 40		448 85	
Eighth street, opening, from avenue B to East River	"	20 1834. April 18	S. Guilford, jun. —Van Nortwick Garret Forbes	156 00	do.	286 37	7 00	48 00	20 00		521 37	
26th street, opening, from Bloomingdale road to 2d avenue	April 4	1834. June 21	Samuel Purdy John Stilwell William Kent	348 00	do.	392 65	40 00	86 00	50 00	1,039 49	2,005 22	
24th street, opening, from 3d avenue to Old Post road	April 4	1833. Sept. 19	John Leonard John Simonson G. C. Morgan	120 00	do.	126 77	15 50	69 16	20 00		351 43	
19th street, opening, from the 3d avenue to Bloomingdale road	April 4	1833. Sept. 19	C. Harsen Abm. Le Foy A. Surre	120 00	do.	124 35	10 20	48 09	33 91		487 09	
18th street, opening, from Bloomingdale road to 2d avenue	April 4	1834. April 18	S. Guilford, jun. —Van Nortwick G. Forbes	240 00	do.	159 44	18 00	46 00	15 00	1,226 00	9,158 44	
Wooster street, widening and extending, to 14th street	April 27	1836. Jan. 5	T. R. Smith W. P. Hallett Murray Hoffman	792 00	do.	1,304 65	32 00	253 00	200 00	1,186 00	67,823 65	
Tompkins square, opening	May 1	1834. Mar. 1	David Lyon C. Dusenbury William Lee	1,112 50	do.	1,416 50		615 00	600 00	10 00	93,353 75	

Openings of Streets, Avenues and Squares, ordered from 10th May, 1833, to 10th May, 1834.

Hanover square, improving	1833. July 4	1833. Dec. 21	Peter Stagg Ichabod Prall Thomas Colt	204 00	R. Emmet	217 10	17 25	49 85	50 00	220 00	\$4,338 30	
Chapel st. widening, from Franklin to Murray street	Dec. 31	1836. Jan. 5	Ichabod Prall A. G. Bleecker Simeon Brown	2,429 00	do.	3,443 00		749 90	900 00	583 00	210,810 40	
28th street, opening, from 3d to 4th avenue	1834. Jan. 14	1834. June 21	Samuel Purdy Robert M. Cox Jacob Brush	119 48	do.	123 62		80 00	30 00		288 10	

Openings of Streets, Avenues and Squares, ordered from 10th May, 1833, to 10th May, 1834.—Continued.

Names of Streets, &c.	When ordered by Common Council.	When confirmed by Supreme Court.	Commissioners' Names.	Commissioners' Fees.	Name of Counse..	Counsel's Charges and Court Exp's.	Room hire and Contingent Exp's.	Surveyors' Fees.	Collectors' Fees.	Assessed upon the City Treas'y.	Total Cost.	Probable Cost.
Pine street, widening, from Broadway to Nassau street	1834. June 28	1835. Mar. 25	S. Gilford, jun. —Van Nortwick A. J. Bleecker John Leonard	\$460 00	R. Emmet	\$468 37	\$ 20 00	\$135 04	\$250 00	\$8200 00	\$52,676 41	
Beaver street widening, from William to Broad	Feb. 11	Feb. 5	Wm. P. Hallett Alph's Sherman Abm. Bloodgood	696 00	do.	650 00	30 00	280 02	243 98	1265 00	56,439 67	
Platt street extending, from Gold to William street	Feb. 11	Feb. 5	L. P. Jordan A. A. Jacobus Peter Staggs	665 00	do.	647 12	20 00	148 00	125 00	1500 00	54,415 12	
Gold street widening, from Frankfort to Fulton	Feb. 25	Oct. 20	Ichabod Prall John N. Taylor C. Dusenberry	876 00	do.	914 62		161 00	200 00	29 00	80,963 62	
Horatio street opening, from Greenwich to Hudson River	April 15	Feb. 4	Murray Hoffman W. Mandeville Robert Ainalie	156 00	do.	308 50	30 00	65 38	30 00		2214 96	
Fulton street widening, from Broadway to Ryder's alley	April 8	June 6	Abm. Le Foy Thos. R. Smith	900 00	do.	1098 37	109 00	350 00	350 00	13,250 00	192,477 00	

Openings of Streets, Avenues and Squares, ordered from 10th May, 1834, to 10th May, 1835.

24th street opening, from 1st to 3d avenue	1834. Nov. 28	1835. June 20	J. Lounsberry Jer. Dodge Jacob Brush T. J. Stevens	\$180 00	R. Emmet	\$306 75	\$20 70	\$61 30	\$50 30		\$1051 71	
57th street opening, from 3d to 4th avenue	1835. Jan. 2	June 20	Andrew Surre L. P. Jordan C. Hansen	168 00	do.	243 60	41 00	32 00	30 00		550 60	
27th street opening, from 9th avenue to Hudson River	Jan. 2	June 20	John Stilwell John Simonson I. S. Baker	82 00	do.	147 60	6 70	49 00	15 00		300 30	
Liberty street widening, from Nassau to William street	Feb. 25	1836. April 23	Jacob S. Baker M. Hoffman John Targee	624 00	do.	627 19	175 00	300 00	150 00		44,122 19	
Chatham street widening, from Pearl to Mott	Feb. 25	May 19	S. Gilford, jun. William Lee C. Dusenberry	636 00	do.	1038 37	111 00	100 00	280 00	2970 00	56,002 37	
Mill street widening and opening	March 11	1835. Oct. 10	Robert Ainalie Lovell Purdy C. Hansen	588 00	do.	548 50	96 00	266 30	200 00		74,744 79	
121st street opening, from 3d to 4th avenue	March 19	Nov. 19	T. J. Stevens A. Surre John Leonard	144 00	do.	261 20	45 12	60 00	50 00		2271 60	
William street widening, between Wall and Maiden lane	April 15	1836. April 23	Azariah Ross Jer. Dodge C. Dusenberry	720 00	do.	947 00	152 00	331 00	300 00	25 00	57,081 00	
Centre street widening and extending, from Grand to Chatham	April 23	1837. Jan. 24	Abm. Dally J. B. Thorp John Leonard	1290 00	do.	2970 34	442 75	1660 00	1000 00	78,078 00	271,403 09	
Avenue C widening, from 3d to 13th street	April 23	1835. Nov. 19	H. P. Robertson W. Lee David Lyon	420 00	do.	582 75	95 00	160 00	110 00		4921 75	
38th street opening, from 2d to 3d avenue	April 23	1836. Mar. 19	B. Ringgold Jacob Brush Abm. Le Foy	185 00	do.	268 10	21 00	61 00	41 00		4562 27	
11th street opening, from 2d avenue to Dry Dock street	May 6	1838. April 6	Andrew Warner Andrew Mills	561 00	do.	377 19		155 78	100 00		3793 97	

Openings of Streets, Avenues and Squares, ordered from 10th May, 1835 to 10th May, 1836.

Names of Streets, &c.	When ordered by Common Council.	When confirm- ed by Supreme Court.	Commissioners' Names.	Commis- sioners' Fees.	Name of Council.	Counsel's Charges and Court Exp's.	Room hire and Conting- ent Exp's.	Surveyors' Fees.	Collectors' Fees.	Assessed upon the City Treas'y.	Total Cost.	Probable Cost.
Wall street, widening, from Pearl to Merchant street	1835. June 16	1836. Sept. 23	Murray Hoffman Benj. Ringgold Ichabod Prall W. P. Hallett	\$480 00	R. Emmet	\$529 62	\$ 72 00	\$288 00	\$200 00	\$1,725 00	\$96,131 62	
New street, widening, from Wall to Beaver street	July 17	1836. April 23	John Leonard John Simonson J. Dodge	720 00	do.	712 62	108 00	344 00	150 00		81,791 62	
Sheriff st. extending, from Houston street to 2d street	July 17	1837. Aug. 1	C. F. Lineback S. Andreas J. S. Baker	240 00	do.	321 00	46 00	195 00	100 00	1,300 00	8,902 00	
Sixth avenue, opening, from Bloom- ingdale road to 129th street	July 17		A. J. Bleecker W. A. Harison C. Harsen		do.							\$50,000 0
116th street, opening, from the 4th avenue to the Harlem River.	July 22	1836. April 23	D. Dusenbury Geo. A. Baker	300 00	do.	439 25	75 00	135 00	198 96		5,171 45	
9th avenue, opening, from Bloom- ingdale road to 45th street	July 29	1836. Aug. 6	Robert Anselie W. W. Hally Lovell Purdy	360 00	do.	639 75	56 50	350 00	150 00	50 00	25,991 25	
2d avenue, opening, from 100th to 123d street	Aug. 6	1836. Sept. 23	John Harris R. B. Fosdick T. Davey	396 00	do.	469 37	58 00	260 00	143 00		4,319 37	
2d avenue, opening, from 28th to 86th street	Sept. 4		John Leonard H. P. Robertson Andrew Mills		do.							20,000 00
79th street, opening, from the 9th avenue to the Hudson River	Sept. 18	1837. April 25	J. S. Baker Abm. Le Foy John Harris	312 00	do.	294 56	30 00	162 78	32 47		831 81	
84th street, opening, from the 1st avenue to avenue B	Nov. 6	1836. June 4	R. B. Fosdick Thomas Dolan John Harris	120 00	do.	180 00	16 00	56 00	20 00		619 00	
7th avenue, opening, from 21st to 129th street	Dec. 4	1839. Feb. 9	A. L. Robertson G. A. Murray Wm. P. Hallett	4,920 00	do.	3,976 77	738 00	2,801 00	1,115 00	3,483 33	41,692 15	
Mount Morris square, opening	1836. Jan. 22		Jefferson Brown J. M. Holly S. Gilford, jun.		do.							57,333 00
Grove street, widening, and Public place	Jan. 25	1837. April 5	R. B. Fosdick James Smith John Leonard	876 00	do.	1,323 96	90 00	215 00	100 00	7,500 00	57,015 59	
Burnt district, improving streets, &c.	Jan. 30	1837. Feb. 9	Murray Hoffman T. R. Smith Peter Staggs	1,656 00	do.	1,860 00	155 00	1,468 00	600 00	127,932 00	394,728 00	
John street, widening, from Broad- way to Pearl street	Feb. 16		Murray Hoffman F. Labagh P. Staggs		do.							200,000 00
11th street, from Broadway to the Bowery	Feb. 19		James Ewen C. Harsen A. Dally		do.							5,000 00
12th street, opening, from the 8th avenue to the Hudson River.	Feb. 19		A. Warner D. Dusenbury		do.							6,000 00

Openings of Streets, Avenues and Squares, ordered from 10th May, 1835, to 10th May, 1836.—Continued.

Names of Streets, &c.	When ordered by Common Council.	When confirm- ed by Supreme Court.	Commissioners' Names.	Commis- sioners' Fees.	Name of Counsel.	Counsel's Charges, and Court Exp's.	Room hire and Contin- gent Exp's.	Surveyors' Fees.	Collectors' Fees.	Assessed upon the City Treas'y.	Total Cost.	Probable Cost.
12th street, from avenue C to the East River	1836. Feb. 19		Ichabod Prall E. A. Lazarus W. R. Smith									\$ 2,000 00
22d street, opening, between the 4th and 5th avenues	" " " 1837. Aug. 5		John B. Thorp John Simonson F. Labagh S. Gilford	\$850 00	R. Emmet.	\$684 40	\$154 50	\$337 00	\$370 00		\$ 8,454 31	
23d street, opening, from the 3d to the 5th avenue	" " " 1838. May 20		Peter Staggs Wm. Stevens S. Gilford, jun.	734 00	do.	550 00	119 00	303 00	120 00		12,844 98	
24th street, opening, from the 5th to the 5th avenue	" " " 1839. Feb. 8		Thomas Bussing Joseph N. Lord Jacob S. Baker	480 00	do.	803 00	53 00	260 00	100 00		2,821 00	
25th street, opening, from the East to the Hudson River	" " " "		A. Le Foy F. O'Neil Abm. Dally									10,000 00
26th street, opening, from the Hudson River to Bloomingdale road	" " " 1837. Sept. 5		D. Dusenbury Andrew Warner C. Harsen	825 00	do.	822 00	101 00	275 00	125 00		11,579 00	
27th street, opening, from the 4th to the 9th avenue	" " " 1838. April 6		A. A. Jacobus Azariah Ross C. Dusenbury	525 00	do.	731 51	156 00	280 00	202 65		18,312 30	
28th street, opening, from the East to the Hudson River	" " " 1837. Oct. 4		Thomas Dolan John Colvill L. Leonard	669 00	do.	982 00	142 00	376 00	200 00	\$126 78	12,745 76	
29th street, opening, from the East to the Hudson River	" " " "		L. Purdy G. A. Baker									10,000 00
30th street, opening, from the East to the Hudson River	" " " "		A. I. Bleecker J. Dodge H. P. Robertson									10,000 00
31st street, opening, from the East to the Hudson River	" " " 1838. Feb. 19		Ichabod Prall R. B. Fosdick J. McMullen	600 00	do.	642 54	211 28	546 10	170 00	744 16	8,626 98	
32d street, opening, from the East to the Hudson River	" " " 1838. June 13		W. P. Hallett John L. Ireland J. Stillwell	912 00	do.	868 75	88 00	527 30	150 00	798 00	16,463 90	
33d street, opening, from the East to the Hudson River	" " " "		C. Harsen R. Waterhouse Abm. Tappen									10,000 00
34th street, opening, from the East to the Hudson River	" " " "		J. B. Thorp John Simonson F. Labagh		do.							10,000 00
35th street, opening, from the East to the Hudson River	" " " 1838. Dec. 8		Peter Staggs Wm. Stevens W. H. Harrison	1,056 00	do.	905 00	201 00	392 00	250 00		14,215 00	
36th street, opening, from the East to the Hudson River.	" " " 16		S. Gilford, jun. J. N. Lord T. Bussing		do.							10,000 00
37th street, opening, from the East to the Hudson River	" " " "		Abm. Dally A. Warner T. Davey		do.							10,000 00

Openings of Streets, Avenues and Squares, ordered from 10th May, 1835, to 10th May, 1836.—Continued.

Names of Streets, &c.	When ordered by Common Council.	When confirmed by Supreme Court.	Commissioners' Names.	Commissioners' Fees.	Name of Counsel.	Counsel's Charges and Court Exp't.	Room hire and Contingent Exp't.	Surveyors' Fees.	Collectors' Fees.	Assessed upon the City Treasury.	Total Cost.	Probable Cost.
38th street opening, from East to Hudson river	1836. Feb. 16		I. S. Baker Abm. Le Foy F. O'Neil		R. Emmet							\$10,000 00
39th street opening, from East to Hudson river	" 16		A. Ross A. A. Jacobus O. Newcomb		do.							10,000 00
40th street opening, from East to Hudson river	" 16		A. J. Bleecker J. Dodge H. P. Robertson		do.							10,000 00
41st street opening, from East to Hudson river	" 16	1838. June 11	Ichabod Prall J. McMillen R. B. Foedick	\$480 00	do.	\$586 81	\$159 76	\$345 00	\$150 00	\$29 10	\$2533 07	
42d street opening, from East to Hudson river	" 16	1837. Oct. 4	D. Dusenbury Thos. Dolan John Colvill	576 00	do.	428 00	130 00	312 00	100 00	25 00	6751 00	
Madison avenue opening, from 23d to 42d street	" 16		S. Gilford Joseph N. Lord I. Bussing		do.							40,000 00
1st avenue opening, from 28th to 42d street	" 16		A. Dally D. Dusenbury A. Warner									15,000 00
Lexington avenue opening, from 31st to 42d street	" 16		S. Gilford Joseph N. Lord I. Bussing		do.							15,000 00
5th avenue opening, from 21st to 42d street	March 17	1837. Oct. 4	W. H. Harrison C. B. Moore A. Warner	750 00	do.	1015 00	149 00	745 00	200 00	7400 00	47,267 00	
Market ground, (Centre Market)	" 4	Dec. 6	C. Dusenberry T. Davy	240 00	do.	296 88	80 00	40 00		32,127 00	32,127 00	
5th avenue opening, from 42d to 129th street	" 4	1838. April 6	W. H. Harrison E. Dayton J. W. McKeon	360 00	G. F. Talman	540 00	47 00	720 00	110 00		2522 00	
117th street opening, from 4th avenue to Harlem river	" 4	Feb. 9	Forsyth Labagh J. Cox N. Schureman	300 00	R. Emmet	305 80	48 50	177 73	75 00		1163 70	
125th street opening, from 3d avenue to Harlem river	" 23	1837. Sept. 5	I. L. Ireland J. Brown D. Dusenbury	396 00	do.	358 00	75 00	123 00	90 00		5835 37	
Maiden lane widening, corner Nassau street	April 1	Aug. 1	L. Purdy Robert Ainslie Geo. A. Baker	264 00	do.	362 37	84 00	209 00	60 00		8728 12	
128th street opening, from 3d to 5th avenue	" 15		A. J. Bleecker J. Dodge S. Andreas		do.							3000 00
2d avenue opening, from 86th to 109th street	" 15	1837. April 15	John Harris J. Brown T. Davy	372 00	do.	338 62	68 00	297 00	104 00		3221 41	
123d street opening, from 3d avenue to Harlem river	" 15	Dec. 6	John L. Ireland J. Brown D. Dusenbury	386 00	do.	348 00	80 00	99 05	60 00		3700 00	

Openings of Streets, Avenues and Squares, ordered from 10th May, 1835, to 10th May 1836.—Continued.

Names of Streets, &c.	When ordered by Common Council.	When confirm- ed by Supreme Court.	Commissioners' Names.	Commis- sioners' Fees.	Name of Counsel.	Counsel's Charges and Court Exp's.	Room hire and Conting- ent Exp's.	Surveyors' Fees.	Collectors' Fees.	Assessed upon the City Treas'y.	Total Cost.	Probable Cost.
86th street, opening, from the 8th avenue to the Hudson River	1836. April 27	1837. April 15	L. J. Westervelt Isabod Prall R. B. Fosdick Robert Ainslie	\$276 00	R. Emmet.	\$756 50	\$113 45	\$341 00	\$250 00	\$3,933 00	\$16,927 95	
Stone street, widening, from Wil- liam to Broad street	" " "	1838. Feb 9	C. Dusenberry W. A. Mercein John Harris	480 00	G. F. Talman	473 57	82 00		70 00	100 00	17,460 57	
119th street, opening, from the 4th avenue to the Harlaem River	" " "	1837. April 5	Isaac Adriance Elisha Williams John Harris	432 00	R. Emmet	498 37	81 00	234 62	150 00		4,507 99	
124th street, opening, from the Old Church road to the H. River	" " "	1837. April 5	E. Williams A. A. Jacobus John Colvill	156 00	do.	156 80	20 50	50 00	17 75	132 90	696 05	
130th street, opening from the 3d to the 5th avenue	" May 4	1838. Sept. 5	Thomas Dolan N. Schureman John Harris	168 00	do.	217 90	30 00	85 60	50 00		676 94	
83d street, opening, between the 3d avenue to avenue A	" " 10	1837. June 12	N. Schureman J. Brown John Harris	336 00	do.	200 40	57 00	91 16	60 00		745 56	
Avenue A, opening, from 79th to 86th street	" " " "	" " 7	N. Schureman J. Brown E. Williams	336 00	do.	289 60	57 00	159 73	75 00		946 08	
10th avenue, opening, from 71st street to Kingsbridge road	" " "	1838. Dec. 8	W. P. Hallett John Stewart Peter Stagg	2,640 60	do.	2,100 00	633 00	2,440 00	200 00		29,457 82	
Manhattan square, opening	" " 4		John L. Ireland A. A. Jacobus Wm. P. Hallett John M. Holly Jefferson Brown									\$54,000 00
William street, widening, &c. from Maiden lane to Chatham street	" " "				do.							323,764 00

Openings of Streets, Avenues and Squares, ordered from 10th May, 1836, to 10th May, 1837.

Public place, between Art and 8th streets, and Lafayette place.	1836. July 26	1838. June 11	John Simonson W. H. Ogilvie Robert Hall	\$476 87	R. Emmet	\$273 34		\$105 00	\$80 00		\$3,479 21	
155th street, opening, from the Har- laem to the Hudson River	" Aug. 3	1837. Aug. 1	W. H. Harrison W. R. Smith J. J. Tracy	192 00	do.	160 00	\$ 67 00	185 00	25 00		1,170 00	
122d street, opening, from the 3d avenue to the Harlaem River	" " "	" June 7	J. L. Ireland D. Dusenbury J. Brown	348 00	do.	296 50	85 00	108 74	75 00		3,096 62	
84th street, opening, from the 1st avenue to avenue B	" " 4	1836. June 4	John Harris R. B. Fosdick Thomas Dolan	120 00	do.	180 00	16 00	56 00	30 00		619 00	
Avenue B, opening, from 79th to 83d street	" " 4	1837. April 5	Abm. Le Foy J. Brown F. O'Neil	120 00	do.	193 19	25 00	56 00	20 00		1,239 19	
Lawrence and other streets, open- ing, 12th ward	" Sept. 16	" Dec. 6	Elisha Williams J. J. Mapes L. B. Wall	216 00	do.	285 00	37 00	246 00	47 78		2,198 10	

Openings of Streets, Avenues and Squares, ordered from 10th May, 1836, to 10th May, 1837.—Continued.

Names of Streets, &c.	When ordered by Common Council.	When confirmed by Supreme Court.	Commissioners' Names.	Commis- sioners' Fees.	Name of Counsel.	Counsel's Charges and Court Exp's.	Room hire and Contin- gent Exp's.	Surveyors' Fees.	Collectors' Fees.	Assessed upon the City Treas'y.	Total Cost.	Probable Cost.
Cherry street, widening, from Catherine to Franklin square	1836, Sept. 12		Robert Ainslie D. Dusenbury Lovell Purdy		R. Emmet							\$150,000 00
11th avenue, opening, from 28th to 47th street	" 12		John B. Thorp F. Labagh J. J. Mapes Peter Stagg		do.							5000 00
1st avenue, opening, from 109th to 125th street	Oct. 7 1838.	Aug. 8	O. Newcomb R. Waterhouse W. H. Harrisot	\$936 00	do.	\$672 60	\$141 00	\$380 00	\$175 00		\$10,640 00	
50th street, openings, from 3d to 5th avenue	" 7 1837.	Sept. 5	J. I. Westervelt A. Tappen Abm. Le Foy	120 00	do.	212 00	10 00	60 00	40 00		450 00	
Avenue B, opening, from 83d to 86th street	" 10	April 5	J. Brown F. O'Neil E. Williams	120 00	do.	193 19	25 00	56 00	20 00		1239 00	
118th street, opening, from 3d avenue to Harlem River	" 20	Sept. 5	W. R. Smith W. H. Ogilvie E. Williams	408 00	do.	428 00	80 00	181 39	140 00		1236 39	
116th street, opening, from 4th avenue to 10th avenue	Nov. 2 1838.	Aug. 8	R. Hall R. B. Fosdick C. Dusenberry	516 00	do.	567 40	87 50	265 00	100 00		4233 63	
89th street, opening, from 3d to 8th avenue	" 17	June 11	R. B. Fosdick A. Warner C. Dusenberry	612 00	do.	619 65	155 40	251 60	200 00	\$429 00	2226 66	
90th street, opening, from 3d to 8th avenue	" 17	" 11	R. B. Fosdick A. Warner Abm. Le Foy		do.							3500 00
1st avenue, opening, from 83d to 84th street	Dec. 10		J. Brown F. O'Neil Peter Stagg		do.							1000 00
Pine street, widening, from Nassau to William street	" 10 1838.	Feb. 9	J. M. Holly W. A. Mercein	396 00	do.	418 00	86 00	181 00	150 00		22,056 00	
Avenue A, opening, from 109th st. to Harlem River	1837. Jan. 17				do.							5000 00
120th street, opening, from 4th avenue to Harlem River	Feb. 17 1837.	June 7	John Harris E. Williams G. W. Murray	432 00	do.	476 00	109 00	175 00	160 75		3177 75	
43d street, opening, from East to Hudson River	Mar. 16 1838.	June 11	J. Simonson J. M. Swords J. B. Thorp	1185 00	do.	496 83		406 00	270 00	341 92	4024 25	
44th street, opening, from East to Hudson River	" 16 1837.	Dec. 6	R. B. Fosdick J. J. Westervelt A. A. Jacobus	600 00	do.	746 00	163 93	410 00	150 00	309 32	8103 23	
45th street, opening, from East to Hudson River	" 16	Sept. 5	M. D. S. Gaines J. M. Holly T. J. Stevens	852 00	do.	494 00	86 00	409 00	122 00	611 00	8045 00	
46th street, opening, from East to Hudson River	" 16	" 5	John T. Tracy L. P. Jordan N. Schureman	720 00	do.	572 30	139 00	386 00	163 00	190 00	7342 30	

Openings of Streets, Avenues and Squares, ordered from 10th May, 1836, to 10th May 1837.—Continued.

Names of Streets, &c.	When ordered by Common Council.	When confirm- ed by Supreme Court.	Commissioners' Names.	Commis- sioners' Fees.	Name of Counsel.	Counsel's Charges and Court Exp's.	Room hire and Conting- ent Exp's.	Surveyors' Fees.	Collectors' Fees.	Assessed upon the City Treas'y.	Total Cost.	Probable Cost.
47th street, opening, from the East to the Hudson River	1837. Mar. 16	1838. June 11	John Harris E. Williams	\$552 00	R. Emmet.	\$869 00	\$127 75	\$410 00	\$185 44	\$140 73	\$ 4,581 81	
48th street, opening, from the East to the Hudson River	" " "	1837. Dec. 6	A. L. Robertson M. D. L. Gaines A. L. Robertson C. W. Lineback	888 00	do.	785 00	90 00	450 00	150 00	269 39	9,189 16	
49th street, opening, from the East to the Hudson River	" " "	" Oct. 4	John Harris W. H. Ogilvie W. A. Mercein	878 00	do.	873 62	109 50	520 00	184 74	418 53	9,425 24	
50th street, opening, from the East to the Hudson River	" " "	1839. Feb. 5	C. Dusenbury John Colvill	804 00	do.	472 00	198 00	448 00	200 00	361 00	12,050 00	
51st street, opening, from the East to the Hudson River	" " "	" " "	John L. Ireland John Stilwell O. Newcomb Robert Ainelie Thomas Bussing Ralph Hall	792 00	do.	612 00	143 00	440 00	125 00	908 00	9,154 00	
52d street, opening, from the East to the Hudson River	" " "	" " "			do.							\$10,000 00
53d street, opening, from the East to the Hudson River	" " "	1838. April 6	Elisha Williams J. W. McKeon	1,044 00	do.	1,035 57	124 00	424 00	250 00	662 48	4,170 03	
54th street, opening, from the East to the Hudson River	" " "	" Aug. 8	M. D. L. Gaines J. W. McKeon Lovell Purdy J. S. Baker A. Le Fay F. O'Neil	930 00	do.	769 63	109 00	450 00	100 00	662 48	6,485 81	
55th street, opening, from the East to the Hudson River	" " "	" " "			do.							7,000 00
56th street, opening, from the East to the Hudson River	" " "	1837. Dec. 6	John Harris M. D. L. Gaines Samuel Andreas	762 00	do.	496 00	82 50	415 00	175 00	385 75	4,195 67	
57th street, opening, from the East to the Hudson River	" " "	" June 7	John Harris G. W. Murray M. D. L. Gaines	732 00	do.	639 90	121 00	450 00	175 00	805 00	11,310 40	
84th street, opening, from the 3d to the 5th avenue	" " "	" " "	John Harris E. Williams I. B. Wall		do.							3,000 00
85th street, opening, from the 3d to the 5th avenue	" " "	" " 23	John Harris E. Williams I. B. Wall J. Harris		do.							3,000 00
125th street, opening, from Manhat- tan street to Bloomingdale road	" April 5	" " "	L. P. Jordan O. Newcomb C. Dusenbury E. S. Lazarus John Colvill		do.							2,000 00
94th street, opening, from the 3d to the 8th avenue.	" " 19	" " "			do.							3,500 00
87th street, opening, from the 4th to the 5th avenue	" " "	" " "	A. J. Bleecker J. Dodge		do.							3,000 00
Orange street, extending from Grand to Broome street.	" " "	" Dec. 6	C. Dusenbury T. Davy	600 00	do.	778 12	209 83	70 00	200 00	41,269 00	59,458 79	

Openings of Streets, Avenues and Squares, ordered from 10th May, 1836, to 10th May, 1837.—Continued.

Names of Streets, &c.	When confirmed by Supreme Court.	When ordered by Common Council.	Commissioners' Names.	Commissioners' Fees.	Name of Counsel.	Counsel's Charges and Court Exp's.	Room hire and Contingent Exp's.	Surveyors' Fees.	Collectors' Fees.	Assessed upon the City Treas'y.	Total Cost.	Probable Cost.
83d street, opening, from 3d to 5th avenue	1837. April 19		John Harris E. Williams J. B. Wall W. P. Hallett N. Everett J. Prall		R. Emmet							\$3000 00
Anthony street, widening	" 19		L. P. Jordan N. Schureman W. A. Mercein J. S. Jordan		do.							250,000 00
109th street, opening, from 6th avenue to Old Harlem road	" 20	1838. April 6	N. Schureman W. A. Mercein J. S. Jordan	\$150 00	do.	\$72 00	44 00	\$48 00	\$30 00		\$345 00	
110th street, opening, from Old Harlem road to Bloomingdale road	" 20	" 6	N. Schureman W. A. Mercein L. L. Ireland Robert Ainslie J. J. Westervelt J. L. Ireland	466 00	do.	255 19	76 00	210 00	50 00		1058 19	
11th avenue, opening from 123d to 131st street	" 29		Robert Ainslie J. J. Westervelt J. L. Ireland		do.							4000 00
123d street, opening, from 11th avenue to Bloomingdale road			Robert Ainslie J. J. Westervelt J. L. Ireland		do.							1000 00
131st street, opening, from Bloomingdale road to Hudson river	" 29		Robert Ainslie J. W. Westervelt J. L. Ireland		do.							1000 00
12th avenue, opening, from Manhattan street to 123d street	" 29		Robert Ainslie J. W. Westervelt		do.							1000 00
											\$216,400 52	\$486,000 00

Openings of Streets, ordered from 10th May, 1837, to 10th May, 1838.

88th street, opening, from 3d to 5th avenue	1837. May 13	1838. June 11	Peter Stagg Fra B. Wheeler S. Dayton M. D. L. Gaines	\$600 00	G. Talman	\$521 00	\$95 00	\$299 79	\$75 00	\$237 00	\$1858 79	
59th street, opening, from 10th avenue to Hudson river	July 7	1837. Sept. 5	E. Williams J. Neilson, jr. S. Gilford, jr. J. L. Ireland	144 00	do.	260 00	10 00	98 00	25 00		539 00	
Art street, widening, from Bowery to Broadway	1838. May 7		J. L. Ireland W. C. Mulligan		do.							\$90,000 00
											\$2397 79	\$90,000 00

Ordered from 10th May, 1838, to present time.

Old Post road, closing south of 31st street	1330. Jan. 7		M. Hoffman D. L. Bennett James Morris		G. Talman							\$5000 00
												\$5000 00

Statement of the Streets and Avenues ordered to be regulated, and low Grounds and Bulkheads, to be filled from May 10th, 1830, to May 10th, 1839, inclusive.

When Ordered.	When Confirmed.	Regulating, Setting Curb and Gutter, filling low Grounds and Bulkheads.	Surveyors' Fees.	Cost of Inspecting.	Collectors' Fees.	Total Cost.
1831, Jan. 10	1831, Dec. 22	Washington st., regulating from Hammond to Jane street.....	\$71 51		\$10 48	\$494 34
" "	"	" West street, regulating from Hammond to Jane street	72 99		11 49	875 28
" "	"	" Bethune street, regulating from Washington to West street.....	21 96		3 24	139 77
" "	"	" Bank street, regulating from Washington to West street	26 28		3 86	474 08
1830, June 21	1832, Feb. 2	18th street, regulating from Bloomingdale road to 6th avenue	45 78		20 04	1030 87
Oct. 11	"	" 5th avenue, regulating from 17th to 19th street.....	20 85		20 76	589 36
Nov. 29	1832, Nov. 24	Bowery, regulating and blasting rock between 13th and 16th streets	88 72		63 20	4628 52
1832, April 27	1833, Feb. 28	10th street, regulating from Broadway to the Bowery.....	14 70		6 00	243 85
1831, May 9	"	Bulkhead building across Gouverneur slip.....	62 00	\$27 50	75 66	3343 16
1832, Dec. 22	1833, March 20	14th street, laying curb and gutter and sidewalks on south side from Broadway to Bowery.....	6 23		2 45	248 50

1832, Aug. 4	1833, June 5	Stuyvesant, 9th and 10th streets, setting curb and gutter and corner stone from 2d to 3rd avenue.....	98 80	29 25	1564 21
1833, Jan. 12	" 25	Avenue C, regulating from 4th to 10th st.	112 52	56 68	6192 04
" 17	" "	" 5th street, regulating between avenues A and D	74 13	25 54	680 38
Feb. 14	Sept. 24	5th street, laying curb and gutter from Lewis street to East river.....	28 84	5 27½	771 59
" "	Oct. 8	13th street and Bowery, laying curb and gutter and paving sidewalks.....	22 63	9 02	515 66½
1832, Aug. 4	Nov. 19	10th street, filling and regulating between avenue B and C.....	53 49	24 37	2819 58
1833, March 7	Dec. 3	7th street, pitching from avenue C to D	34 22	13 55	3394 18
" 27	" "	" Bulkhead across Peck slip. building and filling	93 00	51 37	2212 00
April 20	" 17	10th street, pitching and regulating between avenues C and D	47 32	20 10	1679 34
" "	1834, Jan. 14	Avenue D, filling and regulating between 8th and 10th streets	44 25	15 85	867 58
" "	" 14	4th street, pitching and filling up between avenues C and D.....	31 56	16 71½	3919 20
Jan. 17	" 28	3rd street, setting curb and laying gutter stone between 1st avenue & avenue C	143 60	20 86	2307 35
Sept. 10	" "	Avenue B, regulating and laying curb and gutter from 5th to 2d street	46 66	24 36	1226 02
June 19	Feb. 4	4th street, regulating from avenue B to C	41 13	15 00	3714 12

When Ordered.	When Confirmed.	Regulating, setting Curb and Gutter, filling low Grounds and Bulkheads.	Surveyors' Fees.	Cost of Inspecting.	Collectors' Fees.	Total Cost.
1833, Sept. 10	1834, Feb.	185th street, laying curb and gutter from 1st avenue to avenue C.....	\$142 57	\$37 50	\$32 79	\$2313 51
Nov. 19	April 15	15th street, regulating from 8th to 10th avenue.....	57 75		19 76	780 86
July 16	"	6th st, regulating between avenues C & D	22 08		16 83	2059 92
1834, Feb. 25	Aug. 8	Avenue B, pitching and regulating between 5th and 10th street.....	88 36		72 00	10,163 61
1833, Nov. 5	"	24th street, regulating part of, between 9th and 10th avenues.....	13 50		9 80	186 38
1834, April 15	Nov. 12	4th street, filling and regulating part of between avenues A and B.....	3 00		2 00	61 24
Jan. 1	Dec. 17	Bulkhead across Old slip, building and filling.....	43 63		60 25	4216 06½
1833, Nov. 5	Jan. 28	9th avenue, regulating from 24th to 29th st	135 69		39 58	4531 23
1834, May 13	"	14th street, setting curb and gutter from 8th to 9th avenues.....	88 87		22 59	2100 49
1833, Dec. 10	Feb. 20	7th st, pitching, &c. from avenue A to C	67 35		50 00	10,301 03
1834, May 13	May 6	28th street, regulating from 9th avenue to Hudson river.....	57 75		22 09	1669 62
Jan. 1	"	4 Bulkhead across Coffee House slip....	64 00		86 52	4041 11
1835, Feb. 25	July 22	East Bank st, regulating between 12th and 13th streets.....	15 63		11 38	389 59

1833, Dec. 10	1835, Sept. 16	17th street, regulating from Union place to 3rd avenue.....	50 76	25 81	3241 76
1834, Nov. 6	"	" 21st street, curb and gutter from 6th to 8th avenue	111 90	22 13	1812 53
Aug. 6	Nov. 18	27th st, regulating from 2d to 3rd avenue	36 60	14 47	636 51
" 8	"	" 25th street, regulating between 3rd and 4th avenues.....	36 60	16 25	1018 31
1835, May 6	1836, Jan. 9	16th street, regulating and curb and gutter from 7th avenue to Union place..	157 32	30 00	4303 27
1834, Dec. 17	"	" 10th avenue, regulating from 29th to 33rd street.....	82 94	28 78	4346 76
Aug. 12	Feb. 11	Irving place, regulating from 16th to 19th street.....	33 12	7 36	1079 14
May 13	July 9	28th st, regulating from 1st to 3rd avenue	75 60	19 14	651 48
Jan. 2	"	" 2d avenue, regulating from 23rd to 28th street.....	106 75	28 93	2736 32
Nov. 19	"	" 26 28th street, regulating and curb and gutter from 3rd to 4th avenue.....	63 20	23 62½	1607 74½
Dec. 17	Aug. 3	26th street, regulating and curb and gutter from Post road to 4th avenue....	17 91	10 12	828 55
Aug. 8	"	" 25th street, regulating between 3rd and 4th avenue.....	61 40	21 00	565 52
1835, Dec. 2	Sept. 23	3rd avenue, regulating from 125th to 129th street.....	109 06	47 60	3315 98
1833, Nov. 27	"	" 16th street, regulating from 3rd to 4th avenue.....	66 03	15 00	3803 23

When Ordered.	When Confirmed.	Regulating, setting Curb and Gutter, filling low Grounds and Bulkheads.	Surveyors' Fees.	Cost of Inspecting.	Collectors' Fees.	Total Cost.
1836, July 26	1836, Oct. 7	129th street, regulating from 3rd to 4th avenue	\$55 20		\$ 15 66	\$1318 24
1835, March 4	Oct. 12	14th street, regulating and setting curb and gutter from 8th avenue to Union place	218 32	\$24 75	47 89	1459 36
May 5	" 22	17th street, curb and gutter from Union place to 7th avenue	173 59	70 50	41 50	4122 02
June 25	Nov. 4	5th avenue, regulating and curb and gutter from 14th to 21st street	126 35	78 00	36 70	5676 49
1834, May 13	Nov. 30	28th street, curb and gutter from 1st to 3rd avenue	89 87½	25 87½	34 09	2393 24
1835, June 25	" "	6th avenue, curb and gutter from 17th to 21st street	93 30	27 00	34 42	2785 10
May 20	Dec. 10	Bulkhead between Pike and Rutgers slip				26,604 26
June 19	Jan. 11	17th avenue, curb and gutter from 11th to 21st street	158 52	58 50	50 52	5871 93
" 25	" 26	19th st, curb and gutter from 6th avenue to Bloomingdale road	79 92	39 00	22 52	3833 52
" "	Feb. 7	18th street, regulating and curb and gutter between 7th avenue and Bloomingdale road	131 79	34 50	51 71	6171 62
Sept. 3	" "	27th street, regulating from 9th avenue to Hudson river	60 15		12 18	1593 95

1836,	Oct. 7	1837, Feb. 7	127th st, regulating between 3rd and 4th avenues	55 20	21 29	889 25
"	"	"	17 126th street, regulating from 3rd to 4th avenue	55 20	15 33	531 99
July 18	March 23		121st street, regulating between 3rd and 4th avenues	63 81	25 62	1523 38
April 15	May 1		3rd avenue, curb and gutter from 28th to 40th street	302 10	72 27	14,776 74
1835, Dec. 2	"		53rd avenue, regulating between 129th and 130th street	27 67	22 98	5260 54
1836, May 4	"		28th street, regulating between 1st avenue and East river	45 01	7 65	766 59
1835, Oct. 23	"	31	24th street, regulating and filling from 4th avenue to Old Post road	51 33	25 93	6772 89
1834, Nov. 19	"	"	15th street, curb and gutter from 8th to 10th avenue	96 00	29 30	3118 06
1836, Sept. 21	June 21		129th street, curb and gutter from 3rd to 6th avenue	41 50	36 03	7992 16
March 4	"	30	Filling low ground between 108th and 109th streets and Kings Bridge road.	25 00	12 68	1608 76
Nov. 2	July 27		5th avenue, curb and gutter from 125th to 129th street	136 20	45 55	5042 24
March 4	Aug. 8		Filling low grounds between 108 h and 109th streets, and 6th and 7th avenues	25 00	14 04	1772 74
Nov. 2	Sept. 8		112th street, regulating between 2d and 5th avenues	113 76	33 04	844 03

When Ordered.	When Confirmed	Regulating, setting Curb and Gutter, filling low Grounds and Bulkheads.	Surveyors' Fees.	Cost of Inspecting.	Collectors' Fees.	Total Cost.
1836, Nov. 2	1837, Sept. 8	110th street, regulating between 2d and 4th avenues	\$100 41		\$26 47	\$642 24
Oct. 7	"	129th street, curb and gutter between 6th and 8th avenues	125 70		37 44	5938 97
1835 Nov. 2	"	25th street, regulating and filling between 4th avenue and Post road	49 79		20 95	2468 74
1836, Oct. 7	"	4th avenue, regulating and curb and gutter between 125th and 129th streets ..	118 00		34 39	4930 11
1837, May 4	"	27 Filling low grounds between 105th and 108th streets, and 6th and 7th avenues	41 00		18 00	2362 88
1835, Oct. 23	Oct. 6	Bulkhead across Market street slip and filling the same	75 00		70 00	10,820 41
1836, Mar. 4	Nov. 1	Filling low grounds between 117th and 118th streets, and 5th and 6th avenues	30 00		22 34	1322 55
1835, Sept. 3	"	29 24th street, regulating between 3rd and 1st avenues	75 60		27 62	3369 79
1836, Dec. 14	"	114th street, regulating between 3rd and 1st avenues	146 17		19 43	1799 08
1837, July 11	"	26th st, regulating and curb and gutter between Old Post and Bloomingdale road	72 14		33 18	3753 36
1836 Nov. 2	"	3rd avenue, curb and gutter between 81st and 86th streets	127 04	68 00	35 23	3642 53

1837, March 29	1837, Dec. 6	17th street, curb and gutter between 3rd and 4th avenues.....	63 88	29 20	1991 32
1836, Sept. 14	"	" 3rd avenue, curb and gutter between 110th and 125th streets.....	415 99	89 33	12,609 26
1837, Feb. 17	1838, Jan. 26	3rd avenue, regulating between 114th and 125th streets.....	280 43	49 12	4663 91
1836, March 4	"	" Filling low grounds between 110th and 111th sts, and 7th and 8th avenues...	50 00	25 90	2972 10
Dec. 14	"	" 114th street, curb and gutter between 3rd avenue and avenue A.....	171 50	30 09	6315 85
1837, May 4	March 10	125th street, regulating between 4th and 8th avenues.....	272 63	38 19	4634 80
" June 8	" 28	122d st, regulating between 3rd avenue and Harlem river.....	170 31	75 51	8302 19
May 4	April 4	125th street, curb and gutter from 3rd to 4th avenue.....	65 98	24 96	2889 48
1836, Sept. 21	" 26	Avenue C, regulating from 3rd to 13th street.....	181 76	35 24	2236 20
1837, Feb. 17	"	" 3rd avenue, curb and gutter between 40th and 61st street.....	526 00	105 73	13,080 58
1836, March 4	1838, Mar. 10	Filling low grounds between 110th and 111th streets, and 7th and 8th avenues	50 00	25 90	2972 10
" "	"	" Filling low grounds between 117th and 120th streets.....	80 00	5 00	3215 20
1838, March 1	June 21	Grand street, curb and gutter between Sheriff and Willett street.....	2 69	1 91	100 35

When Ordered.	When Confirmed.	Regulating, setting Curb and Gutter, filling low Grounds and Bulkheads.	Surveyors' Fees.	Cost of Inspecting.	Collectors' Fees.	Total Cost.
1838, Feb. 17	1838, Aug. 1	13rd avenue, regulating from centre of 111th st, to south line of 114th st	\$69 21		\$27 44	\$372 12
1835, Jan. 14	July	26 9th avenue, regulating from 29th to 33rd street	110 00	\$198 00	37 34	8361 61
1834, Aug. 12	Sept. 27	Irving place, regulating from 14th to 16th street	24 78		7 76	889 00
1836, Mar. 17	"	6th street, regulating between avenues A and C	71 73		21 80	5459 13
1835, Dec. 30	Oct. 4	8th street, filling between avenues B & C	81 10		26 36	6385 46
1838, Feb. 22	"	10th avenue, curb and gutter from 24th to 28th street	122 29	64 00	26 06	2203 09
1837, Feb. 17	Nov. 2	86th st, regulating from 3rd to 5th avenues	159 41	98 00	49 60	9061 48
1836, Jan. 3	"	26 42d street, regulating from Bloomingdale road to 10th avenue	224 52		41 36	19,133 24
1838, Feb. 1	"	28 Lexington avenue, curb and gutter from 21st to 31st street	200 79	146 00	59 98	5688 98
1836, Nov. 16	Dec. 28	8th avenue, regulating and curb and gutter between 24th and 42d streets	626 02	234 00	189 67	43,922 25
1837, July 20	1839, Jan. 7	70th street, regulating from the 1st to 3rd avenue	112 42	157 00	43 87	7181 49
1836, Dec. 22	1838, Dec. 4	2d avenue, regulating and curb and gutter between 10th and 12th street	57 49	66 00	16 12	1112 49

1837, Oct. 25 1839, Jan. 17	31st street, regulating from 9th avenue to Hudson river.....	84 39	25 00	4416 39
1836, Oct. 20	" 23 10th avenue, regulating between 40th and 50th street.....	340 83	87 03	26,558 45
1835, Nov. 18	Feb. 28 Sunfish pond, filling between 30th and 33rd street.....	255 74	16 33	34,911 15
1836, March 4 1839, March 8	Filling low grounds between 115th and 124th streets, and 5th and 8th avenues	320 00	79 40	20,624 32
Oct. 8	" 14 2d avenue, regulating from 109th to 125th street.....	319 00	66 57	3969 42
1835, March 7	9th avenue, regulating between avenues B and C.....	40 56	28 32	3406 32

Recapitulation of the Cost for regulating and setting curb and gutter stones of Streets, and the filling of low Grounds and Bulkheads, for the years as follows, viz.:

			Surveyors' Fees.	Cost of Inspecting.	Collectors' Fees.	Total Cost.
From 10th May, 1830, to 10th May, 1831	.....		\$ 410 09	\$ 27 50	\$ 208 63	\$ 11,575 38
" " " 1831, " " " 1832	.....		14 70		6 00	243 85
" " " 1832, " " " 1833	.....		646 99	1 50	270 16	24,864 26
" " " 1833, " " " 1834	.....		1,092 86	91 50	515 49	55,683 75
" " " 1834, " " " 1835	.....		1,688 61	424 36	450 20	44,759 12
" " " 1835, " " " 1836	.....		2,498 68	303 65	794 26	200,415 30
" " " 1836, " " " 1837	.....		4,704 33	616 00	1,166 51	167,031 18
" " " 1837, " " " 1838	.....		765 03	367 00	265 51	31,645 85
" " " 1838, " " " 1839	.....		.....	.....	.....	.....

Statement exhibiting the Sewers ordered to be built from May 10, 1830, to May 10, 1839, inclusive.

Sewers.	When ordered by Common Council.	When confirm- ed by the Com- mon Council.	Names of As- sessors.	Assessors' Fees.	Room hire, &c.	Surveyors Fees.	Collectors Fees.	Inspectors Fees.	Cost of Sew- er.	Pro- bable Cost.
6th avenue, between 5th and 13th streets	1833.	1834.	John Leonard } C. Dusenbury }	\$538 79		\$528 00	\$300 00	\$223 75	\$28,866 00	
6th avenue, between 13th and 16th streets	Mar. 13 } October 8 }	1834.	David Lyon }							
12th street, from 6th avenue to Broadway	Nov. 4	1835.	William Lee } C. Dusenbury }	134 00		162 81	81 00	224 00	10,419 54	
14th street, from 6th avenue to Union place	Nov. 19	June 4	David Lyon } Samuel Purdy }	100 00		160 59	41 35	188 00	9609 52	
19th street, from 2d avenue to Bloomington road	Nov. 27	Dec. 15	John Ireland } A. A. Jacobus }	140 00		169 47	108 06	522 00	13,819 44	
New street, from Exchange place to Beaver street	Dec. 31	Aug. 8	John Stilwell } A. J. Biecker }	27 00		33 42	18 03	46 00	1457 27	
22d street, from 2d to 4th avenue	1834. July 30	1835. May 15	David Lyon } C. Dusenbury }	100 00		123 68	118 41	191 00	11,275 70	
Irving place, from 16th to 19th st.	Aug. 8	1836. Jan. 27	William Lee } C. Harsen }	70 00		54 00	18 85	84 00	4481 85	
17th street, from Irving to Union place	Aug. 8	Jan. 27	J. N. Lord } Lovell Purdy }	28 00		34 00	11 28	50 00	2556 58	
3d avenue between 17th and 22d street	Oct. 16	1835. June 11	J. S. Barker } J. N. Lord }	75 00		55 00	50 47	92 00	5019 60	

Sewers.	When ordered by Common Council.	When confirm- ed by the Com- mon Council.	Names of Asses- sors.	Assessors' Fees.	Room hire, &c.	Surveyors Fees.	Collectors Fees.	Inspectors Fees.	Cost of Sew- er.	Pro- bable Cost.
Avenue C, from 4th to 13th street	1835. April 16	1837. May 31	William Lee John Leonard C. Harsen	\$435 00		\$1385 55	\$516 62	\$519 00	\$74,861 61	
Lexington avenue, between 22d and 26th street	Dec. 2	Nov. 29	W. W. Holly R. B. Fosdick C. Harsen	458 00		235 54	92 28	460 00	12,551 94	
Whitehall slip	1836. June 29	Nov. 23	J. Simonson I. B. Wheeler S. Dayton	90 00		78 32	40 00		2105 57	
Chapel and Thomas streets	May 4	Jan. 11	Lovell Purdy J. N. Lord R. B. Fosdick	560 00		585 00	473 89	291 00	16,571 08	
25th street, from Post road to Lex- ington avenue	Sept. 16	Nov. 1	R. B. Fosdick E. Williams A. Dally	312 50	\$50 00	204 78	108 56	258 00	8937 89	
2d avenue, from 14th to 22d street	Sept. 29		Lovell Purdy W. H. Ogilvie W. A. Mercein						57,985 00	
18th street, from 2d avenue to East River			J. S. Baker J. Morris E. Williams	980 00		593 38	312 26	382 00	17,251 26	
20th street, from 8th avenue to the Hudson River	Oct. 7th	1838. Aug. 6	J. Stillwell						12,812 73	
20th street, from 6th to 8th avenue	*1837. Aug. 8									
13th street, from Wooster street to 6th avenue	1836. Sept. 29	1837. Sep. 27	W. H. Ogilvie E. Dayton John Harris	156 00	15 00	206 81	77 82	207 50	14,669 00	
3d avenue, west side, between 22d and 26th street	Oct. 7	Oct. 25	W. R. Smith J. Brown	288 00	22 00	38 04	40 00	75 00	8802 11	

* This item was ordered in 1837, but being connected in the assessment with the preceding sewer ordered in 1836, could not be placed under its proper year. The cost of each sewer is however shown in the proper column.

3d avenue, east side, between 22d and 26th street	1836.	Oct. 7 1837.	Dec. 6	John Harris W. R. Smith J. Brown	\$221 00	\$41 72	\$40 00	\$100 00	\$9257 80
4th avenue, from 20th to 22d street		Nov. 16		J. M. Holly J. Waterhouse	185 00	93 67	125 00	90 00	5700 47
Waverly place, from 5th to 6th avenue		Oct. 7	Nov. 15	J. Westervelt R. B. Fosdick John Ireland O. Newcomb	340 00	125 00	80 00	76 00	7436 80
3d avenue, between 13th and 17th street		1837. March 1	July 10	R. B. Fosdick A. Tappen R. Hall	351 00	176 30	70 00	90 00	12,224 30
122d street, from 3d avenue to Harlem River		March 23	Dec. 6	W. R. Smith John Harris E. Williams	780 00	395 80	125 00	167 49	21,944 32
17th street, from Irving place to 3d avenue		March 29	Dec. 20	J. S. Baker E. Williams W. H. Ogilvie	120 00	43 22	26 05	35 00	6446 02
Stanton street, from Mangin street to East River		Aug. 2	1838. Jan. 26	W. H. Harrison James Ewen J. Neilson	162 00	262 00	183 00	125 00	3169 09
6th avenue, from 16th to 20th st.		Aug. 8		J. L. Ireland R. Hall J. Ewen	442 00	442 50	148 00	439 00	24,632 80
16th street, from Union place to 6th avenue		Aug. 8	May 4	L. Purdy J. Dodge C. Sweezy	322 00	139 95	40 00	282 50	16,606 51
18th street, from Union place to 6th avenue		Aug. 8							
7th avenue, between 20th and 21st street, and in 21st street from 7th to 5th avenue		Aug. 8		C. F. Linebeck J. Buckhout M. H. Smith	624 00	585 00	400 00	100 00	6251 75
Centre street, from Grand to Canal street.		Aug. 8							

Recapitulation of the Cost of building Sewers, for each of the years as follows.

From May 10,	to May 10,	Assessors' Fees.	Room Hire, &c.	Surveyors' Fees.	Collectors' Fees.	Inspectors' Fees.	Total Cost.
1833	1834	\$ 959 79		\$1,054 29	\$ 548 44	\$1,203 75	\$ 64,261 77
1834	1835	708 00		1,652 23	715 63	936 00	98,195 34
1835	1836	1,018 00		820 54	566 17	751 00	29,123 02
1836	1837	3,923 00	\$78 50	1,997 04	1,044 69	1,480 99	185,553 36
1837	1838	2,270 00	73 00	2,113 45	1,171 00	1,125 75	72,121 17
1838	1839	60 00		22 08	15 08		17,481 00

N. B. There were no Sewers built in the years 1830, 1831 and 1832.

TOTAL RECAPITULATION

OF

Streets Opening,—Sewers,—Paving Streets,—Regulating and setting Curb and Gutter Stones—Filling Low Grounds and Bulkheads, from May 10, 1830, to May 10, 1839, shewing the Cost of each Year, as follows, viz.:

From May 10, 1830, to May 10, 1831.—	Opening Streets,	\$162,472 45
“ “	Sewers,	
“ “	Paving Streets,	4,9039 48
“ “	Regulating, &c.	11,575 38
	Total	<u>\$223,087 31</u>
From May 10, 1831, to May 10, 1832.—	Opening Streets,	\$377,809 52
“ “	Sewers,	
“ “	Paving Streets	32,752 47
“ “	Regulating, &c.	243 85
	Total	<u>\$410,805 84</u>
From May 10, 1832, to May 10, 1833.—	Opening Streets,	\$252,192 30
“ “	Sewers,	
“ “	Paving Streets,	56,978 87
“ “	Regulating, &c.	24,864 26
	Total	<u>\$334,035 43</u>
From May 10, 1833, to May 10, 1834.—	Opening Streets,	\$654,623 58
“ “	Sewers,	64,261 77
“ “	Paving Streets,	81,303 96
“ “	Regulating, &c.	55,683 75
	Total	<u>\$855,873 06</u>
From May 10, 1834, to May 10, 1835.—	Opening Streets,	\$550,755 64
“ “	Sewers,	98,195 34
“ “	Paving Streets,	86,714 10
“ “	Regulating, &c.	44,759 12
	Total	<u>\$780,424 20</u>

From May 10, 1835, to May 10, 1836.—	Opening Streets,	\$1,849,611	70
“ “ “	Sewers,	29,123	02
“ “ “	Paving Streets,	116,134	02
“ “ “	Regulating, &c.	200,415	30
		Total	\$2,195,284 04

From May 10, 1836, to May 10, 1837.—	Opening Streets,	\$702,400	52
“ “ “	Sewers,	185,553	36
“ “ “	Paving Streets,	258,358	89
“ “ “	Regulating, &c.	167,031	18
		Total,	\$1,313,343 95

From May 10, 1837, to May 10, 1838.—	Opening Streets,	\$92,397	79
“ “ “	Sewers,	72,121	17
“ “ “	Regulating, &c.	31,645	85
“ “ “	Paving Streets,	104,130	27
		Total	\$300,295 08

From May 10, 1838, to May 10, 1839.—	Opening Streets,	\$5,000	00
“ “ “	Sewers,	17,481	00
“ “ “	Paving Streets,	14,027	27
“ “ “	Regulating, &c.		
		Total	\$36,508 27

						miles-feet.
From May 10, 1830, to May 10, 1831.—	Length of Paving in miles					5 1891
“ 1831, “ 1832.—	“	“	“	“	“	2 1460
“ 1832, “ 1833.—	“	“	“	“	“	3 3851
“ 1833, “ 1834.—	“	“	“	“	“	4 2100
“ 1834, “ 1835.—	“	“	“	“	“	3 0018
“ 1835, “ 1836.—	“	“	“	“	“	5 0308
“ 1836, “ 1837.—	“	“	“	“	“	6 5207
“ 1837, “ 1838.—	“	“	“	“	“	2 2203
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DOCUMENT NO. 46.

BOARD OF ALDERMEN,

APRIL 22, 1839.

The Committee on Ferries, to whom was referred back their report made to the Board March 11, 1839, together with the various petitions in relation to the union of the Fulton and South Ferries, presented the following report thereon.

THOMAS BOLTON, Clerk.

The Ferry Committee, to whom was referred back their report and other documents in relation to leasing the Fulton and South Ferries, respectfully

R E P O R T :

That they have further examined this important subject which has been recommitted to them, and their attention has been particularly bestowed upon the statements made to them, of the affairs of the two ferries. They have not adopted any of these statements in full, but upon examining them, and comparing and adjusting

them, they have been brought to the following conclusions:—
The capital required for conducting the South Ferry will be \$100,000, and the annual loss of conducting the said ferry, with three boats, allowing the interest on the capital, will be about \$13,500.

The nett yearly profits of the Fulton Ferry Company up to the first of February last, allowing for the probable depreciation of the boats by wear and decay, is \$22,500. In the joint lease of these two ferries, it is proposed to reserve an annual rent of \$12,000 to the Corporation of New York, of which \$2,000 will be charged to the South Ferry, and \$10,000 to the Fulton Ferry. It is also proposed to require of the lessees to contract for a pier or piers at the Fulton Ferry on the Brooklyn side, which will cost from twenty to twenty-five thousand dollars, allowing for the annual interest thereof, with the additional rent to be paid, and the annual loss upon the South Ferry. Your Committee are of opinion that the two ferries can be conducted under the joint lease at the annual profit of at least \$3,000. The above estimates are based upon the supposition that the business of the ferries will continue the same as it has been for the last two years and upwards. There can be no doubt however that it will be greatly increased. The advance will arise from two causes—the gradual increase in population and business which ordinarily takes place, and more particularly from the spring which is given to all sorts of enterprize and business upon recovering from a pressure unexampled in this country, and during which the profits of the Fulton Ferry has been such as above stated.

The Committee are of opinion that the ferries can be run at less expense jointly than separately. The dividend being confined to seven per cent. to the lessees, there will be every inducement held out to them to make the ferries beneficial to the public. Since the revival of business, there has been a great increase of the avails of the Fulton Ferry, over the amounts for the same period in the two preceding years.

For these reasons your Committee are satisfied that these

ferries can be conducted under the joint lease proposed, with perfect safety to the lessees, and benefit to the public, and persons of character and responsibility are ready to take the lease on the terms proposed.

Your Committee have carefully weighed all the objections they have heard against the union of the two ferries; and all the proposed advantages, and after a full investigation, they have come to the conclusion, that their union will be beneficial to the Cities of New York and Brooklyn and to the public at large. If the union should not take place, it is manifest the South Ferry must either go down altogether, or be badly conducted. It is important to New York to continue all the avenues to it which are now open. The constant increasing communication between this City and Long Island, indispensably requires that none of the ferry establishments over the East River should be dispensed with. Long Island is the garden of the city, and its growing population requires the aid of her productions, which will be increasing yearly. The Long Island Rail Road furnishes additional facilities of communication to which the aid of the South Ferry is indispensable. The advantages of this ferry to Brooklyn are equally great; under the joint lease, the Citizens of New York and Brooklyn, by commuting at one ferry may cross at either, on foot or in carriages, which will increase the public accommodations. It is objected to the union, that each ferry ought to be made to sustain itself, and that all the profits of the Fulton Ferry should be expended upon it alone, and that if the present rates of ferriage should yield a surplus, the rates ought to be reduced so as to correspond with the expenditures, for the benefit of those residing in its vicinity, and that to keep up the rates of ferriage higher than would thus be required, is prejudicial to their rights. Your Committee after deliberately weighing the matter, cannot adopt this principle. They consider a ferry as a public highway, established by the Common Council, in whom the power resides, for public accommodation, and the entire interest of the public should be consulted in establishing them, and in regulat-

ing the rates of ferriage. The interest and convenience of those residing in the vicinity of a ferry, and having frequent occasion to use it, ought unquestionably to be consulted, but not to the exclusion of others interests. They cannot claim the ferry as their own property, under existing circumstances at all events.

It is manifest if this principle should be acted upon at the Fulton Ferry, none of the neighboring ferries could stand in competition with it, and would be destroyed. All the travel would then concentrate at the Fulton Ferry, and would be so thronged as to render it inconvenient and hazardous, and the inhabitants in the vicinity would have to seek relief from the consequences of carrying out that erroneous principle. In the mean time, all property in the vicinity of ferries going to ruin, would depreciate, to the loss and ruin of the owners. At certain hours of the day, it is very inconvenient to cross over South street at the Fulton Ferry, especially for females. This inconvenience must continually increase hereafter, even if the South Ferry and the others should be sustained. It is proposed that under the joint lease of the ferries, that three boats shall be kept constantly employed at the Fulton Ferry, and that the Jamaica now in the South Ferry shall be used as a relief boat, which, in the opinion of your Committee will furnish ample accommodations, and whenever further accommodations shall be wanting they will be given.

The above considerations and views will furnish an answer to the objection that the application of the surplus profits of the Fulton Ferry, to the support of the South Ferry, will be a tax upon the inhabitants crossing at the former for the benefit of the latter. If the rates of one ferry are kept up just sufficient to sustain other ferries, with a view to the public accommodation, it can in no just sense be considered a tax. Almost all public improvements in their infancy require support however beneficial and desirable they may be, more especially when they come in collision with old establishments.

When a new ferry is called for from the Common Council in the vicinity of an old established ferry, it must be sustained

at first in one of the following ways:—let the rates of ferriage be kept up at both so high as to sustain the new ferry, and the surplus be paid to the lessees in the shape of high profits, or into the coffers of the city as revenue; or else let the surplus profits be applied to sustaining the new ferry. Your Committee cannot hesitate to recommend the latter as decidedly preferable, because those ferries being public establishments, the entire ferriage is then applied to public use, and all objections on the ground of monopoly is entirely obviated. The union of the two ferries is based upon that principle.

The Common Council of New York do not wish to levy tribute upon the public who come among them for business or amusement; nor do they desire to lavish upon those who conduct the ferries extravagant rewards in the spirit of favoritism. The Committee offer for adoption the following resolutions:

Resolved, That (the Board of Assistant Aldermen concurring) the Counsel of the Common Council, under the direction of the Ferry Committees of both Boards, be, and is hereby instructed to prepare a lease, to be executed to the parties named in the herewith presented reported lease, for the Fulton and South Ferries united, for the term of five years, from the first day of May, 1839, at the yearly rent of \$12,000: \$10,000 to be considered the rent of the Fulton Ferry, and \$2,000 the rent of the South Ferry.

Resolved, That if any of the persons named in the annexed lease, should decline, or be rejected by the Ferry Committees, the said Committees shall have power to fill such vacancies, and accept the names of such other individuals as may wish to become parties to said lease.

Respectfully submitted.

NEHEMIAH WATERBURY,
THOMAS G. TALMAGE,
J. PHILLIPS PHŒNIX.



This Indenture, made the day of

in the year of our Lord one thousand eight hundred and thirty-nine, between the Mayor, Aldermen and Commonalty of the City of New York, parties of the first part; and George Wood, Charles Hoit, David Johnson, C. P. Smith, John A. King, Charles E. Buckley, James E. Underhill, George B. Fiske, William R. Dean, Joseph A. Perry, A. G. Benson, J. B. Lalsala, E. W. Dunham, Charles Kelsey, Charles Christmas, John Dimon, Joseph Ketchum J. D. Allen, Parmenus Johnson, W. N. Degraw, Richard M. White, Frederick Marquand, and such others as may be associated with them, parties of the second part, witnesseth: That the said parties of the first part, for and in consideration of the rents, covenants and agreements hereafter mentioned, on the part and behalf of the said parties of the second part, their executors, administrators and assigns, well and truly to be paid, observed, performed and kept, according to the true intent and meaning of these presents, have granted, demised and to farm letten, and by these presents do grant, demise, and to farm let, unto the said parties of the second part, their executors, administrators and assigns, all those two certain ferries; the one thereof established from the foot of Fulton street, in the City of New York, across the East River, to the foot of Fulton street, in the City of Brooklyn, and commonly called and known by the name of the Fulton Ferry; and the other thereof established from the foot of Whitehall street, in the said City of New York, across the said river, to the foot of Atlantic street, in the said City of Brooklyn, and commonly called and known by the name of the South Ferry; together with all and singular the ferriage and right of ferriage, fees, perquisites, benefits, profits and advantages whatsoever to the said ferries respectively belonging, or to arise or accrue from the same; and all and singular the bulkheads, wharves, piers, and slips, now used and occupied by the said

ferries respectively. To have and to hold the said ferries respectively, with all and singular the floats, bridges, fixtures and appurtenances whatsoever, to be built, furnished, appropriated or used for the same, or thereunto in any manner belonging, or which are now appropriated or used to, or by the said ferries respectively, so far as the said parties of the first part have, or shall have, at the commencement of the term hereby demised, any rights or interests in, or to the same, unto the said parties of the second part, their executors, administrators and assigns, from the first day of May, one thousand eight hundred and thirty-nine, for and during, and until the full end and term of five years, thence next ensuing, and fully to be complete and ended; yielding and paying therefor, unto the said parties of the first part, or their successors or assigns, yearly and every year, during the said term hereby granted, the yearly rent or sum of twelve thousand dollars, lawful money of the United States of America, in equal quarterly-yearly payments, to wit: on the first days of August, November, February and May, in each and every of the said years. Provided always, and these presents are upon this express condition, that if it should so happen that the said yearly rent above reserved, or any part thereof, shall be behind or unpaid, for the space of ten days, after any day of payment on which the same, or any part thereof, ought to be paid as aforesaid; or if the said parties of the second part, their executors, administrators or assigns, shall neglect to pay, fulfil, perform and keep any or either of the payments, articles, covenants, claims, agreements, matters and things herein contained, which, on their part, are to be paid, performed, fulfilled, and kept, during the said term, according to the true intent and meaning of these presents, then, and in every such case or cases, it shall and may be lawful to and for the said parties of the first part, their successors and assigns, to enter into and upon the premises hereby demised, and to have, possess and enjoy the same, as fully as though these presents had not been made, any thing herein contained to the contrary notwithstanding.

And the said parties of the second part, for themselves, their heirs, executors, administrators and assigns, do covenant, promise and agree to and with the said parties of the first part, their successors and assigns, by these presents, in manner following, that is to say: That the said parties of the second part, their executors, administrators or assigns, shall and will, yearly and every year, during the said term hereby demised, well and truly pay unto the said parties of the first part, their successors or assigns, the said yearly rent above reserved, on the days and in the manner limited and prescribed as aforesaid, for the payment thereof, without fraud or delay. And also that they, the said parties of the second part, their executors, administrators or assigns, shall and will, for and during the term or time for which the said premises are hereby granted, at their own proper cost and expense, provide, furnish, navigate and use, upon the said ferries respectively, a sufficient number of good and substantial steam ferry boats, to be approved of by the Committees on Ferries, of the said parties of the first part, and the Mayor of the City of New York; and that the said boats shall, in all times thereafter, be continually and *exclusively* employed upon the said ferries respectively, during the term hereby granted, to carry, transport and convey carriages, horses, passengers and effects across the same, with safety, convenience and expedition; and that the said boats shall always, during the said term, be kept in good repair, and furnished with all necessary and proper implements and machinery, and be manned with a sufficient number of able bodied and skilful men, to manage the same; and who shall and will, at all times, be ready and willing to give their constant and ready attendance at the said ferries respectively, for the prompt and convenient transportation of passengers, horses, carriages and effects across the same. And shall and will, in all things, conduct and manage the said ferries respectively, in conformity with all Acts of the Legislature of the State of New York, and agreeably to such rules, regulations and restrictions, whether as to the time of depar-

ture of said boats from each end of said ferries respectively, the time of starting the same in the morning of each day, or of laying up the same at night, or the running thereof during the night, or otherwise, as from time to time, during the said term, shall by the said Committees on Ferries, with the Mayor, or by any ordinance or resolution of the said parties of the first part, or their successors, be made or passed in relation thereto. And shall and will, under the direction of the said Ferry Committees and Mayor, build, erect, make and furnish all the necessary bulkheads, piers, floats, bridges and other fixtures, and all other improvements necessary for the well conducting of the said ferries; and well and sufficiently maintain, uphold and keep the same in good repair, at their own proper costs and charges. And shall and will purchase, receive and take, from the present lessees of said two ferries respectively, all the boats and other property which the said parties of the first part are bound and required to purchase, take and receive at the expiration of the said leases respectively; and to pay therefor in the same manner as the said parties of the first part are required to do. And shall not nor will not, during the said term, raise the rates of commutation above the present prices, as appears by the schedule thereof, hereunto annexed. And shall not and will not receive or retain any profits, or make any dividends of such profits, beyond the rate of seven per cent. per annum upon the amount of capital required or invested in the boats and other property used for the efficient conducting of the said ferries respectively; and shall and will, whensoever such profits, over and above said dividend herein above authorized to be made, shall, by the statement hereinafter required to be made, appear to exceed the sum of fifteen thousand dollars, (which sum they are permitted to hold to meet contingencies,) apply the said excess to the reduction of the rates of ferriage, or pay the same into the Treasury of the City of New York, as shall be directed by the said Committees on Ferries, and the said Mayor. And shall and will, on the first day of February in each year during the said term, render to the said

parties of the first part, a full, true and correct statement, in writing, attested by the President and Secretary of the proprietors of the said ferries, showing the names of all parties interested in the said ferries as proprietors or associates thereof, and their respective interests; the amount of capital actually employed and paid in; the monthly receipts and expenditures; to whom and for what purpose said expenses shall have been incurred; and all other information which they shall, by the said Committees on Ferries and the Mayor, be required to communicate, to enable the parties of the first part to form a just estimate of the manner in which said ferries shall have been conducted. And shall and will pay, or cause to be paid, to the said parties of the first part, any rent which may be in arrear and unpaid from the lessees of either of the said ferries, on the first day of May next. And shall not and will not pay, or permit or suffer to be paid or retained, directly or indirectly, to or by any proprietor or lessee, or his or their assigns, as President or Director, any salary or compensation for any services whatsoever, rendered or to be rendered by them or either of them, in conducting the said ferries or either of them. And shall not and will not assign or transfer this present lease, or any term or time therein; or the said demised premises, or any part thereof, without the consent, in writing, of the said parties of the first part first had and obtained.

And it is hereby expressly understood and agreed, that the said parties of the second part, their executors, administrators and assigns, shall be bound to place any additional boats on the said ferries, or either of them, and at such time or times, during the said term hereby granted, as may be required by the said parties of the first part, or their successors. Also, that nothing contained in these presents shall prevent the establishment of any other ferry or ferries across the said East River, previous to the expiration of the said term hereby granted by the said parties of the first part or their successors. And also, that at the expiration of the said term hereby demised, the said parties of the second part, their executors, ad-

ministrators or assigns, shall and will, (in case the said ferries be not re-demised, or this lease renewed or extended, to the said parties of the second part, their executors, administrators or assigns,) peaceably and quietly leave, surrender and yield up the said ferries, and every thing hereby demised, in good order and condition, into the hand and possession of the said parties of the first part, their successors or assigns, together with all or any surplus that may be on hand, over and above the amount of capital actually employed. And that, at the expiration of the said term, the parties of the first part, or their successors, shall purchase and take from the said parties of the second part, their executors, administrators or assigns, all the steam ferry boats, to be furnished and procured for the said ferries respectively, by the said parties of the second part, as herein before mentioned, and actually in use thereon, at such price or value as may be fixed by two indifferent appraisers, to be chosen by the parties mutually, or by an umpire, to be appointed by such appraisers, to decide between them, in case of their disagreement. It is further agreed that no stockholder shall be permitted to cross said ferries on better terms than other citizens.

RATES OF COMMUTATION.

Foot Passengers, Gentlemen, . . .	10 dollars per annum.
" " Ladies, . . .	5 dollars per annum.
" " Boys, 15 years old . . .	6 dollars per annum.
" " Boys, 12 years old, . . .	5 dollars per annum.
" " Girls, 12 years old, and under, . . .	4 dollars per annum.
Carriages.—A two-horse Carriage, . . .	20 dollars per annum.
" One-horse Carriage, . . .	15 dollars per annum.
*Carts.—Commutation Tickets, . . .	10 dollars per hund.
Milk Waggon, commute at . . .	40 dollars per annum.

* If any person shall purchase Five Hundred Tickets at a time, they shall pay at the rate of \$8 per hundred.

DOCUMENT NO. 47.

BOARD OF ALDERMEN,

MAY 13, 1839.

Report of the Committee on Public Offices and Repairs, on a resolution to inquire into the expediency of abolishing the Public Yard. Adopted.

THOMAS BOLTON, Clerk.

Resolved, That it be referred to the Committee on Public Offices and Repairs, to inquire into the expediency of abolishing the Public Yard, and requiring all work, repairs, &c. to be done by contract.

BY SAMUEL J. WILLIS.

The Committee on Public Offices and Repairs, to whom was referred the annexed resolution, requiring the Committee to report upon the expediency of abolishing the public Yard, offer the following :

The Public Yard, like most of our Departments, has grown up, from small beginnings, to what we now find it; disbursing large sums of the public money, and distributing no small share of public patronage. It was formerly the practice to employ different individuals to superintend and perform the work required by the Corporation, which was sometimes done by contract, but more frequently by days' work. As the City became extended and the wants of the Corporation increased, this practice was found to be inconvenient and expensive, and therefore abolished, for the purpose of concentrating all the business of repairs at one point.

To accomplish this, an ordinance was passed authorizing the appointment of a Superintendent of Public Buildings, prescribing his duties, and regulating the affairs of the Department. Down to the present time no material alteration appears to have been made in the law under which the Superintendent acts, although the practice has undoubtedly changed since the commencement of the present system.

The Yard is in fact occupied by two Departments, each having its head; being directed by different Committees, and acting, for the most part, independent of each other.

The Chief Engineer, as head of the Fire Department, under the direction of the Fire and Water Committee, orders the construction of new engines and hose, and all such repairs as the different machines may require, without being in any way responsible to the Superintendent of Buildings. Most of the Committees are in the habit of ordering such work as may be required by the different departments over which they preside; and individual members of the Common Council can direct him to perform such work as they may deem necessary to be done. The Superintendent being appointed by the Common Council, and depending upon its members for his office, it is not to be

expected that he will refuse to obey their commands, even when made contrary to the dictates of his own judgment. Under the present mode of conducting the affairs of the Public Yard, it is easy to perceive that practices may obtain which are not calculated to promote the public interests, and which can only be avoided by restricting the powers of the Superintendent, and bringing the whole Department under the supervision of one Committee.

The question submitted to this Committee for consideration, viz.: whether it is expedient to abolish the Public Yard, has been fully investigated. If the Public Yard should be abolished, and the law authorizing the appointment of a Superintendent repealed, the duties now performed by that officer must necessarily devolve upon the Committees on Public Offices and Repairs, whose whole time and attention would be inadequate to perform the labor required of them, when taken in connexion with their other duties as members of the Common Council. The number of buildings in possession of the Corporation is so great, and extended over so wide a district, the amount of repairs and alterations so large and various, that it will be always difficult, and often impossible, to form Committees, having sufficient knowledge and experience in building, to direct them. Another plan for removing the abuses now complained of, has been suggested; but which, upon examination, is found to be attended by many difficulties. It is, to abolish the Public Yard and retain the Superintendent; which would doubtless be an improvement, if it were possible to perform all the work by contract. A large portion of the work being repairs and alterations, it would be difficult to estimate the cost. Every builder knows the impossibility of obtaining the quantity of new materials and labor, necessary to repair an old house, until the old materials have been removed. If the usual mode of performing such kind of work is resorted to, it will be found more expensive than the present. Large profits are usually

charged on small jobs, especially on materials; consequently, all the work required by the Corporation, in the way of jobbing, which is by far the largest portion, will be paid for at a much higher rate than at present; as all the materials used at the Public Yard are purchased at wholesale prices, and the labor paid for at the usual rates. Another evil will be found in the continual applications made to the Committee and Superintendent for employment, as a reward for political services, by persons who are not likely to possess the best qualifications for the performance of such services.

This Committee believe that no good can result from adopting either of the plans suggested above, but that greater evils will soon be found to exist than ever yet have been complained of. Radical changes are not always the best methods of reforming old abuses. The Superintendent should not be allowed to perform any work, except by a written order from the Committee on Public Offices and Repairs. All new work, of every description, should be performed by contract; as also all repairs and alterations, when the quantity of work to be done can be ascertained, if the amount shall exceed one hundred dollars. All bills, whether for work done or materials purchased, should be submitted to the Committee for approval, and signed by the Chairman, before being presented to the Comptroller for payment. No materials should be purchased by the Superintendent, the cost of which will exceed fifty dollars, without a written order from the Committee. He should be required to take an inventory, every year, of all the property in the Yard, with the valuation thereof, as near as can be ascertained. The books of the Department should be kept in such a way, as that the cost of any particular job could be ascertained at any time, by a reference to them. All the workmen employed in the Yard should be under his direction, and subject to be discharged by him at any time. By adopting the above regulations, the labors of the Committee will be much in-

creased; they will be required to meet often, for the purpose of passing bills and giving orders for work to be done. A much larger degree of responsibility will rest upon the Committee, which cannot well be avoided if the Common Council intends to keep a proper supervision over the affairs of the Yard.

The Committee offer the following amendment to the law authorizing the appointment of a Superintendent of Buildings.

R. SMITH,
JOSEPH R. TAYLOR,
J. H. COOK.

AN ORDINANCE

To amend an Ordinance entitled "A Law for the appointment of a Superintendent of Buildings, and prescribing his Duties."

1. It shall be the duty of the Superintendent of Buildings to advertise for estimates for all Public Buildings which may be erected by order of the Common Council; also, for all repairs or alterations which may be required in any Public Building, the expense of which may, in his judgment, exceed the sum of two hundred dollars. All estimates shall be directed to the Committee on Public Offices and Repairs, and opened and decided only by them.

2. No fire engine, hose cart, hook or ladder, hose, other machine or apparatus, for the use of the Fire Department, shall hereafter be constructed in the Public Yard.

3. No repairs shall hereafter be done to any fire engine or other machine, for the use of the Fire Department, the cost of which shall exceed the sum of twenty dollars; nor shall any repairs be done to said machine in the Public Yard, other than such slight repairs as can be performed by the ordinary workmen employed in the Yard. No painting, graining, varnishing, or gilding, shall hereafter be done in said Yard except by contract.

4. The Superintendent of Buildings shall not perform any work or job, the cost of which shall exceed the sum of fifteen dollars, without a written order from the Committee on Public Offices and Repairs, which order shall be presented to the Comptroller as a voucher for the proper auditing of such work.

It shall be the duty of the said Superintendent to submit all bills, whether for the purchase of any article or materials, or for the performance of any work, to the Committee on Public Offices and Repairs, which bills shall be signed by the Chairman before being presented for payment.

The said Superintendent shall, between the 15th of May and the 1st of June of each year, take an inventory of all the property in the Public Yard; stating to whom such property belongs, and the value thereof, as near as can be ascertained; which inventory shall be delivered to the Comptroller.

5. All laws or ordinances, the provisions of which are inconsistent with this amendment, are hereby repealed.



DOCUMENT NO. 48.

BOARD OF ALDERMEN,

MAY 13, 1839.

*Report of the Select Committee, on charges preferred by W.
C. Stuart Guinness, against Dr Wilson. Adopted.*

THOMAS BOLTON, *Clerk.*

The Select Committee, to whom was referred the memorial of W. C. Stuart Guinness, preferring charges against Dr. Wilson, Resident Physician at the Alms House, Bellevue,

R E P O R T :

That they have been attended by Mr. Guinness, and have afforded him an opportunity to go at great length into evidence to support the charges made by him against Dr. Wilson. The Committee at their first meeting informed Mr. Guinness that the charge contained in his memorial was too general, and that they expected a specification, in writing, of those charges, on which he meant to rely. Whereupon Mr. Guinness furnished to the

Committee a specification, which is hereto annexed, marked A, and proceeded with his proofs. After a tedious investigation, to which the Committee listened with great patience for several days, the Committee have carefully considered the testimony, and are unanimously of opinion that not one of the charges has been supported, and that Dr. Wilson should be declared to be fully and entirely acquitted of every charge contained in the said specification. From the opportunity which has been afforded to the Committee, of scrutinizing the official conduct of Doctor Wilson, as Physician at the Alms House, they do not hesitate to say, that the proof before them has established to their entire satisfaction, that he has been skilful, vigilant, and attentive to his duties, and that the medical department has been filled and attended to by him and his Assistants in a manner highly creditable to them, and with satisfaction not only to the patients, but to the Commissioners of the Alms House. The charges preferred seem to have originated in personal difficulties which occurred between him and persons employed to serve under him, and probably grew out of a difference of opinion as to the strict^d line of demarcation between the duties of persons in the service of the public at the Alms House; and those differences arose to such a height as to produce acts of insubordination, which resulted in a hearing before the Commissioners, and the dismissal of several persons from their situations.

There were some facts disclosed in the testimony, in particular cases, which required explanation. It appeared that these were very few, and the result of accident, but were accounted for in a manner which in nowise implicated Dr. Wilson, and as one of the witnesses kept a diary, in which was recorded whatever appeared to him out of order in the establishment, it is most remarkable that so few causes of complaint were presented.

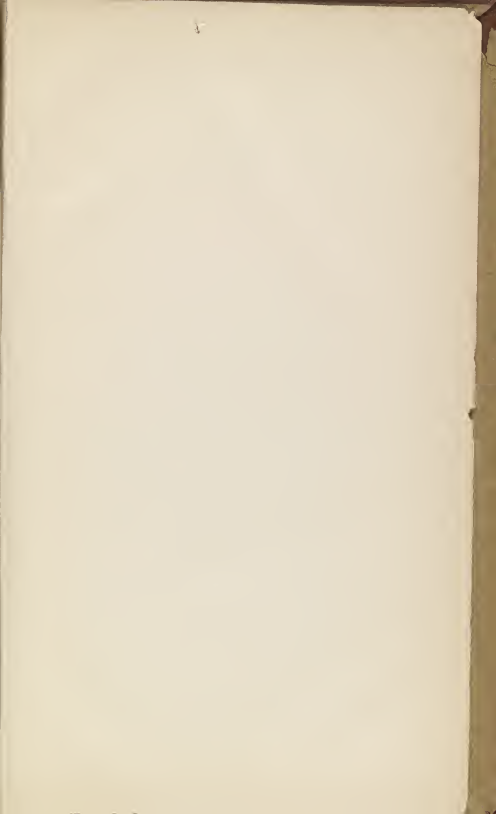
Throughout the whole, Dr. Wilson seems to have acted with firmness to support his authority, as the person having the charge and control of the Hospital, and with forbearance and

propriety towards those who were under his direction. The Committee, therefore, recommend the adoption of the following resolution:

Resolved, That the charges preferred by Wm. C. Stuart Guinness against Dr. Wilson, Resident Physician at Bellevue, of neglect of duty, have not been supported, and that in the course of the investigation, it has been satisfactorily ascertained that Dr. Wilson and his Assistants have been kind and attentive to the patients, that they have paid a proper regard to the interests of the public, and that the Medical Department at the Alms House, at Bellevue, has been attended to in a manner highly creditable to them.

JAMES LYNCH,
THOMAS LAWRENCE,
THOMAS JEREMIAH.







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DUE DATE

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